

OD-37

IN THE HIGH COURT AT CALCUTTA  
ORIGINAL SIDE  
Original Jurisdiction

CP/214/2016

RE : SHIVAM INDIA LIMITED  
-AND-  
ANUJ LAKHOTIA

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 30<sup>th</sup> January, 2023

*Appearance:*  
*Mr. Anuj Singh, Adv.*  
*...for the petitioner*

The Court :- The petitioning creditor is represented.

It is fairly submitted on behalf of the petitioning creditor that the matter is at a “pre-admission stage” and no final order for winding up has yet been passed.

In view of the amended provisions of the Companies Act, 2013 and the decisions in *Action Ispat and Power Private Limited-versus-Shyam Metalics and Energy Limited* reported in (2021) 2 SCC 641 and in *A. Navinchandra Steels Private Limited -versus- Srei Equipment Finance Limited and Others* reported in AIR 2021 SC 1180, in my view this Court does not have any jurisdiction to entertain this matter. There is no irreversible situation which has arisen warranting this Court retaining this proceeding.

In view of the aforesaid, CP/214/2016 stands transferred to the National Company Law Tribunal, Kolkata.

The Department shall treat CP/214/2016 as disposed of insofar as the records of this Court are concerned.

It is needless to mention that all connected applications also stand transferred to the National Company Law Tribunal, Kolkata.

(RAVI KRISHAN KAPUR, J.)

S.Bag