

OD-10

IN THE HIGH COURT AT CALCUTTA
ORIGINAL JURISDICTION
ORIGINAL SIDE

CP/229/1962
IA NO: CA/1/1991(Old No:CA/235/1991), CA/2/1995(Old No:CA/513/1995),
CA/4/2012(Old No:CA/767/2012)

RE: BANK OF CHINA
VS
O/L.

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 23rd August, 2023.

Appearance:
Ms. T. Dasgupta, Adv.
...for Official Liquidator

The Court : This proceeding has been pending since 1962.

The Status Report filed by the Official Liquidator is taken on record.

It transpires that by an order dated 2 November, 1962 the company namely Bank of China was directed to be wound up and the Official Liquidator attached to this Court was directed to take actual physical possession of the assets and the properties of the company (in liquidation).

It also appears from the Report that an immovable property of the company (in liquidation) comprising of nearly 31.72 Cottahs of land and building situated at 170/2A and 170/2B, A.J.C. Bose Road, Kolkata has not yet been taken possession.

The accounts of the company (in liquidation) have also not been filed.

In view of the amended provisions of the Companies Act, 2013 and in view of 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/229/1962 stands transferred to the National Company Law Tribunal, Kolkata.

The Department shall treat CP/229/1962 and all connected applications are disposed of insofar as the records of this Court are concerned.

It is needless to mention that all interim applications being i.e. CA/1/1991, CA/2/1995, CA/4/2012 also stand transferred to the National Company Law Tribunal, Kolkata.

(RAVI KRISHAN KAPUR, J.)

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