

OD-11

IN THE HIGH COURT AT CALCUTTA  
ORIGINAL JURISDICTION  
ORIGINAL SIDE

BIFR/88/1987  
IA NO: CA/1/1998(Old No:CA/628/1998)

M/S. SMALL TOOLS MFG. CO. OF INDIA LTD.  
VS

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

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

*Appearance:*  
*Mr. Shiv Chandra Prasad, Adv.*  
*...for the P.F. Authorities*

*Ms. Smita Das De, Adv.*  
*...for the Official Liquidator*

The Court:- It is submitted by the Official Liquidator that this Court has no jurisdiction to entertain this proceeding. Admittedly, the assets of the company (in liquidation) have not been sold.

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, there is no irreversible situation which justifies this Court exercising jurisdiction in this proceeding.

In view of the aforesaid, this proceeding being BIFR/88/1987 including all applications stands transferred to the National Company Law Tribunal, Kolkata.

The Department shall treat this matter 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.)

TO