

IN THE HIGH COURT AT CALCUTTA  
Original Jurisdiction  
ORIGINAL SIDE

IA NO. CA/8/2019 (Old No: CA/208/2019)  
In CP/437/2016  
IN THE MATTER OF: SANWARIA CREATIONS PVT. LTD.  
-AND-  
INTEX INDIA TRADING COMPANY PVT. LTD.

IA NO. CA/11/2021  
In CP/437/2016  
IN THE MATTER OF: SANWARIA CREATIONS PVT. LTD.  
-AND-  
INTEX INDIA TRADING COMPANY PVT. LTD.

IA NO. CA/12/2022  
In CP/437/2016  
IN THE MATTER OF: SANWARIA CREATIONS PVT. LTD.  
-AND-  
INTEX INDIA TRADING COMPANY PVT. LTD.

IA NO. CA/13/2022  
In CP/437/2016  
IN THE MATTER OF:  
SANWARIA CREATIONS PVT. LTD.

IA NO. CA/14/2023  
In CP/437/2016  
IN THE MATTER OF: SANWARIA CREATIONS PVT. LTD.  
-AND-  
M/S SRI RAM ENTERPRISES AND ANR.  
-VS-  
THE OFFICIAL LIQUIDATOR, HIGH COURT, CALCUTTA

BEFORE:  
The Hon'ble JUSTICE RAVI KRISHAN KAPUR  
Date : 5<sup>th</sup> June, 2023

*Appearance:-  
Mr. Ranajit Singh, Adv.  
Mrs. Pooja Sett Chakraborty, Adv.  
...for the secured creditor*

Ms. Smita Das De, Adv.  
...for the O/L

The Court:- By an order dated 21<sup>st</sup> November, 2016, the company namely, Sanwaria Creations Private Limited was directed to be wound up and the Official Liquidator was directed to take possession of the assets of the company (in liquidation).

It is submitted that pursuant to orders of Court the Official Liquidator has taken possession of the registered office of the company (in liquidation) situated at 1B, Raja Subodh Mullick Square, Kolkata-700006 and one shop room being Shop No. D-304, City Centre-1, Saltlake City, Kolkata-64. Notwithstanding repeated efforts, the sale of the assets of the company (in liquidation) has not yet been effected.

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, this Court does retain any jurisdiction to entertain this matter. There is no irreversible situation which has arisen warranting this Court exercising jurisdiction in the liquidation proceeding. Admittedly, the immovable properties of the company (in liquidation) have not yet been sold.

In view of the aforesaid, CP/437/2016 alongwith all pending applications stands transferred to the National Company Law Tribunal, Kolkata.

The Department shall treat CP/437/2016 and all connected applications made therein as disposed of insofar as the records of this Court are concerned.

All pending applications in CP/437/2016 also stand transferred to the National Company Law Tribunal, Kolkata.

(RAVI KRISHAN KAPUR, J.)

T.O.  
A.R. (C.R.)