

OD-12

CP/274/2015
IN THE HIGH COURT AT CALCUTTA
ORIGINAL JURISDICTION
ORIGINAL SIDE

RE : M/S. REACON ENGINEERS (INDIA) P.LTD-AND
VS
RE : M/S. TATA STEEL PROCESSING AND DISTRIBUTION LTD

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 13th January, 2023.

Appearance:
Mr. Raghunath Ghose, Adv.
Ms. S. Santra, Adv.
...for petitioning creditor

Mr. Rajib Mullick, Adv.
Ms. Sonia Mukherjee, Adv.
...for company.

The Court:- I find that from the earlier order of Court that this winding up petition is at the “pre-admission stage”. Both parties are represented.

The Advocate appearing on behalf of the petitioning creditor shall serve a copy of the petition and all other pleadings if any on the company forthwith.

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/274/2015 stands transferred to the National Company Law Tribunal, Kolkata.

The Department shall treat CP/274/2015 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.)

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