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IN THE HIGH COURT AT CALCUTTA
ORIGINAL JURISDICTION
ORIGINAL SIDE

BIFR/15/1989

M/S. GRAPHITECH INDIA LTD. & ANR.
VS
ICICI LTD.

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 3rd February, 2023.

The Court:- By an order dated 10 February, 1998, the Appellate Authority for Industrial and Financial Reconstruction (AAIFR) had confirmed the opinion of the Board for Industrial and Financial Reconstruction dated 12 April, 1991 directing winding up of the company.

The Official Liquidator is represented and submits that no steps have taken place in the matter.

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, BIFR/15/1989 stands transferred to the National Company Law Tribunal, Kolkata.

The Department shall treat BIFR/15/1989 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.)

SK.