

OD-27

IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE

BIFR/29/1995

IA NO: CA/1/1997(Old No:CA/545/1997),
CA/5/2000(Old No:CA/25/2000),
CA/6/2001(Old No:CA/140/2001),
CA/12/2006(Old No:CA/336/2006),
CA/14/2007(Old No:CA/789/2007),
CA/22/2017(Old No:CA/285/2017)

IN THE MATTER OF EASTERN
EXPLOSIVE & CHEMICALS LTD(IN LIQN.)
VS
THE O/L

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 28th March, 2023.

The Court:- None appears on behalf of the parties nor is any accommodation prayed for on their behalf.

It appears from the Status Report filed by the Official Liquidator that by an order dated 29th July, 1997, the company was directed to be wound up. The proceedings arise out of BIFR Case No. 29 of 1995. The matter has been pending on some pretext or the other.

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 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/29/1995 stands transferred to the National Company Law Tribunal, Kolkata.

The Department shall treat BIFR/29/1995 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.)