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IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

CP/496/2014
IA NO: CA/1/2017(Old No:CA/306/2017),
CA/2/2018(Old No:CA/47/2018)

IN THE MATTER OF
EVA EXOTICA PRIVATE LIMITED
-AND-
RE : ADM AGRO INDUSTRIESINDIA PVT LTD

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 28th February, 2023

Appearance:
Mr. Gaurav Purkayastha, Adv.
Ms. S. Choudhury, Adv.

Mr. Rajshree Kajaria, Adv.
Mr. Satadeep Bhattacharyya, Adv.
Ms. V. Kedia, Adv.

The Court :- By an order dated 24th July, 2018, the Hon'ble Division Bench had granted leave to the applicant i.e., Eva Exotica Private Limited to file a Supplementary Affidavit to bring on record certain additional documents.

It is submitted by both the parties that the matter is at a pre-admission stage.

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, CP/496/2014 stands transferred to the National Company Law Tribunal, Kolkata.

The Department shall treat CP/496/2014 as disposed of insofar as the records of this Court are concerned.

Liberty is also granted to the company to file the additional evidence in terms of the order dated 24th July, 2018 passed by the Hon'ble Division Bench in ACO No. 6 of 2018 before the Learned National Company Law Tribunal.

It is needless to mention that all connected applications stand transferred to the National Company Law Tribunal, Kolkata.

(RAVI KRISHAN KAPUR, J.)

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