

IN THE HIGH COURT AT CALCUTTA
ORIGINAL JURISDICTION
ORIGINAL SIDE

CP/500/2014

IA NO: CA/1/2015(Old No:CA/305/2015), CA/4/2019, CA/5/2019

RE; MOXIE ENTERTAINMENTS (PVT) LTD
-AND-
SREI INFRASTRUCTURE FINANCE LTD

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 9th June, 2023

*Appearance:-
Mr. Smita Das De, Adv.
...for the O/L*

The Court:- CP/500/2014

It is submitted on behalf of the Official Liquidator that no effective steps have taken place for the liquidator proceedings. The matter has been pending since 2014. The winding up petition was admitted as far as on 9th December, 2014. The assets of the company (in liquidation) have not yet been sold.

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 Metals 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 liquidation proceeding.

In view of the aforesaid, CP/500/2014 stands transferred to the National Company Law Tribunal, Kolkata. The Department shall treat CP/500/2014 as disposed of insofar as the records of this Court are concerned.

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

CA/305/2015

This is an application for disclaimer. The applicant remains unrepresented. There is also no adjournment prayed for by the applicant in the third call. The Official Liquidator is represented.

In view of the non-appearance of the applicant, CA/305/2015 stands dismissed for default.

Interim order, if any, stands vacated.

(RAVI KRISHAN KAPUR, J.)