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IN THE HIGH COURT AT CALCUTTA
ORIGINAL JURISDICTION
ORIGINAL SIDE

IA NO. CA/1/2023
In CP/564/2014

M/S. SHREE BASUKINATH FOOD PROCESSORS LTD.
Vs
M/S. DHIRAJ AGENCIES PVT. LTD.

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 17th May, 2023

Appearance:
Mr. Rahul Karmakar, Adv.
...for petitioner company

Mr.. A. Basu, Adv.
...for respondent.

CA/1/2023

The Court:- This is an application for recalling of an order dated 8 September, 2022 dismissing CP/564/2014 for default. It is submitted on behalf of the applicant that for reasons beyond their control that they were unable to be represented when the matter appeared on 8 September, 2022.

It is also submitted on behalf of the applicant that during the pendency of this proceeding connected proceedings pertaining to the company namely, Sri Basukinath Food Processors Limited have been transferred to the National Company Law Tribunal.

In view of the aforesaid, the order dated 8 September, 2022 stands recalled. The matter is restored to its original file.

Accordingly, CA/1/2023 stands disposed of.

CP/564/2014

It is submitted on behalf of the petitioning creditor that a proceeding pertaining to the company Shree Basukinath Food Processors Limited has already been transferred to the National Company Law Tribunal.

In view of the amended provision 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, there is no irreversible situation which has arisen warranting this Court retaining this proceeding.

The Department shall treat CP/564/2014 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.

(RAVI KRISHAN KAPUR, J.)