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IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

CP/630/2016

M/S MCNALLY BHARAT
ENGINEERING COMPANY LIMITED AND
VS
M/S KUSHAL BHARAT REALCON PVT LTD

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 23rd February, 2023

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

This proceeding is pending since 2016. I find from the earlier orders of Court that this proceeding is at a “pre-admission stage” and save and except direction for affidavits, no other steps have been taken in this proceeding.

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/630/2016 stands transferred to the National Company Law Tribunal, Kolkata.

The Department shall treat CP/630/2016 as disposed of insofar as the records of this Court are concerned.

It is needless to mention that any connected application is also transferred to the National Company Law Tribunal, Kolkata.

(RAVI KRISHAN KAPUR, J.)

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