

OD-54

CP/737/2016
IN THE HIGH COURT AT CALCUTTA
ORIGINAL JURISDICTION
ORIGINAL SIDE

IN THE MATTER OF: ZENITH FINESSE INDIA PVT. LTD. –AND
VS
R.P. VYAPAAR PVT. LTD

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 22nd February, 2023.

Appearance:
Mr. Subhankar Nag, Adv.
Ms. U. Chatterjee, Adv.
Mr. Subhankar Chakraborty, Adv.
Mr. Saptarshi Bhattacharjee, Adv.
...for petitioner.

The Court:- The petitioning creditor is represented. It is submitted on behalf of the petitioning creditor that the proceeding is at a pre admission stage and the same be transferred to the National Company Law Tribunal.

I find from the earlier order of Court that the matter is at 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 in view of 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/737/2016 stands transferred to the National Company Law Tribunal, Kolkata.

The Department shall treat CP/737/2016 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.)

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