

OD-16

IN THE HIGH COURT AT CALCUTTA  
Original Jurisdiction  
ORIGINAL SIDE

CP/750/2016

IN THE MATTER OF:  
PLASTOLENE POLYMERS PVT. LTD.  
-AND-  
FKL INDIA PVT. LTD.

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 23<sup>rd</sup> February, 2023

*Appearance:*  
*Mr. Sailesh Mishra, Adv.*  
*...for the petitioner*

The Court :- The petitioning creditor is represented and submits that this proceeding is at a “pre-admission stage”. I find from the earlier orders of Court that save and except direction for affidavits, no other steps have been taken in this proceeding.

This proceeding is pending since 2016.

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/750/2016 stands transferred to the National Company Law Tribunal, Kolkata.

The Department shall treat CP/750/2016 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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