

OD-19

IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

CP/644/2014
IA NO: CA/1/2022, CA/2/2022

IN THE MATTER OF:
SANCIA GLOBAL INFRA PROJECTS LTD. CO.
-AND-
SURYODAY ALLO-METAL POWDERS LIMITED

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 27th February, 2023

Appearance:
Ms. Nayantara Bhattacharya, Adv.
...for the applicant

Ms. Debjani Mitra Neogy, Adv.
...for the Official Liquidator

Ms. Meenakshi Manot, Adv.
Mr. Dipankar Das, Adv.
...for the SBI

The Court :- The Report filed by the Official Liquidator be kept with the records.

It appears from the Status Report filed by the Official Liquidator that since one of the secured creditors have taken possession of all the assets of the company (in liquidation) the Official Liquidator has been unable to take any steps.

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/644/2014 stands transferred to the National Company Law Tribunal, Kolkata.

The Department shall treat CP/644/2014 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.)