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IN THE HIGH COURT AT CALCUTTA
ORIGINAL JURISDICTION
ORIGINAL SIDE

IA NO. CA/1/2022
In CP/915/2016

RE : SAI BABA MINING & CRUSHING PRIVATE LIMITED –AND
Vs
MUKLESH KUMAR

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 8th February, 2023.

Appearance:
Mr. Saunak Ghosh, Adv.
Ms. Smriti Das, Adv.
Mr. Ramesh Chandra Prusti, Adv.
...for petitioner.

The Court:- This is an application seeking transfer of the proceeding being CP/915/2016 to the National Company Law Tribunal, Kolkata.

It is submitted on behalf of the petitioning creditor that in view of the amendment provisions of the Companies Act 2013, this proceeding be transferred to the National Company Law Tribunal, Kolkata.

I find that the matter is at the “pre-admission stage” and no irreversible situation whatsoever has arisen. Affidavits have been completed by the petitioning creditor. I also find that from the earlier orders of Court that this winding up petition is at the “pre-admission stage”.

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/915/2016 stands transferred to the National Company Law Tribunal, Kolkata.

The Department shall treat CP/915/2016 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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