

IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

CP/1042/2016
RE : M/S EMT MEGATHERM PVT LTD AND
VS
ASHISH AGARWAL

BEFORE:
The Hon'ble JUSTICE RAVI KRISHAN KAPUR
Date : 31st January, 2023.

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

The winding up petition has been pending since 2016.

It appears that the winding up petition is at the “pre-admission stage”.

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/1042/2016 stands transferred to the National Company Law Tribunal, Kolkata.

The Department shall treat CP/1042/2016 as disposed of insofar as the records of this Court are concerned.

It needless to mention that all connected applications also stand transferred to the National Company Law Tribunal, Kolkata.

(RAVI KRISHAN KAPUR, J.)