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IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

CP/604/2015

RE : CORPORATE POWER LIMITED
-AND-
BHARAT HEAVY ELECTRICALS LIMITED

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 10th January, 2023

Appearance:
Mr. N. Dasgupta, Adv.
Mr. Anunoy Basu, Adv.
...for the petitioning creditor

The Court:- The petitioning creditor is represented. It appears from the order dated 29th September, 2015 that the matter is at the “pre-admission stage” and no final order of winding up has yet been passed.

I find that 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/604/2015 stands transferred to the National Company Law Tribunal, Kolkata.

The Department shall treat CP/604/2015 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.)

TO