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IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

CP/638/2015

IN THE MATTER OF: ASCON AGRO PRODUCTS LTD.
-AND-
NATEXIS SA @ NATEXIS BANQUES POPULAIRES

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 10th January, 2023

Appearance:
Mr. Rahul Auddy, Adv.
Mr. Aditya Goopta, Adv.
...for the petitioner

The Court:- The petitioning creditor is represented. None appears on behalf of the company nor is any accommodation prayed for on their behalf. It is submitted on behalf of the petitioning creditor that the proceeding is at the “pre-admission stage” and the same be transferred to the National Company Law Tribunal.

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 Metals 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/638/2015 stands transferred to the National Company Law Tribunal, Kolkata.

The Department shall treat CP/638/2015 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