

IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

CP/678/2015
IN THE MATTER OF: BERIA COMMERCIAL IMPEX PVT.LTD.
ANDVS
JAI SINTER POLYCON PVT. LTD.

BEFORE:
The Hon'ble JUSTICE RAVI KRISHAN KAPUR
Date : 10th January, 2023.

Appearance:
Mr. K. C. Gorg, Adv.
Ms. Smita Agarwal, Adv.
Ms. Priti Shew, Adv.

The Court:- The petitioning creditor is represented.

The winding up petition has been pending since 2015.

By an order dated 8th December, 2015, the parties were directed to exchange their affidavits. But the directions have not yet been complied with. 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 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/678/2015 stands transferred to the National Company Law Tribunal, Kolkata.

The Department shall treat CP/678/2015 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.)