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IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

CP/1022/2014
IA NO: CA/1/2015(Old No:CA/701/2015),
CA/7/2018(Old No:CA/243/2018), CA/8/2019(Old
No:CA/173/2019), CA/9/2019(Old No:CA/174/2019)

IN THE MATTER OF:
SUPER OXYTECH PVT. LTD.
-AND-
TATA CAPITAL FINANCIAL SERVICES LIMITED

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 21st March, 2023

Appearance:
Mr. Avishek Guha, Adv.
Ms. Debarati Das, Adv.

Ms. Smita Das De, Adv.

The Court:- It is submitted on behalf of the Official Liquidator that no effective steps have been taken in this liquidation proceeding and none of the assets of the company (in liquidation) have been sold.

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/1022/2014 stands transferred to the National Company Law Tribunal, Kolkata.

The Department shall treat CP/1022/2014 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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