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IN THE HIGH COURT AT CALCUTTA
ORIGINAL JURISDICTION
ORIGINAL SIDE

CP/784/2015

IN THE MATTER OF: KND
ENGINEERING TECHNOLOGIES LTD.
-AND-
KAMAL KUMAR LIHALA

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 28th March, 2023.

Appearance:
Mr. P. Majumdar, Adv.
...for the petitioner

The Court:- The petitioning creditor is represented.

None appears on behalf of the company nor is any adjournment prayed for on their behalf.

This is an application for winding up. The matter is at a pre-admission stage.

It is submitted on behalf of the petitioner that in view of the amendments to the Companies Act, 2013, the matter be transferred to the National Company Law Tribunal.

In view of fact that the matter is at a pre-admission stage and no irreversible situation has arisen, 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.

Accordingly, CP/784/2015 stands transferred to the National Company Law Tribunal, Kolkata.

The Department shall treat CP/784/2015 as disposed of insofar as the records of this Court are concerned.

All connected applications also stand transferred to the National Company Law Tribunal, Kolkata.

(RAVI KRISHAN KAPUR, J.)

TO