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IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE

BIFR/130/1998
IA NO: CA/1/2003(Old No:CA/521/2003)

M/S. GRAPCO MINING & CO. LTD. (IN LIQN.)
VS
THE O/L, HIGH COURT, CALCUTTA

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 3rd February, 2023.

The Court :- The Board for Industrial and Financial Reconstruction had recommended winding up of the company.

The matter has been pending since 1998 before this Court.

The Official Liquidator is represented and submits that no steps whatsoever has been taken in this proceeding.

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, BIFR/130/1998 stands transferred to the National Company Law Tribunal, Kolkata.

The Department shall treat BIFR/130/1998 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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