

OD-10

APOT/314/2023
WITH CP/967/2014
IA No.ACO/1/2024

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Original Side

CRESCENT REALISTA BUILDERS
LIMITED (IN LIQN.)

-AND-

SHIVA SHAKTI SECURITY SERVICES

-VERSUS-

THE OFFICIAL LIQUIDATOR.

BEFORE :
THE HON'BLE JUSTICE DEBANGSU BASAK
And
THE HON'BLE JUSTICE MD. SHABBAR RASHIDI
Date : 19th January, 2026.

Appearance:
Ms. Urmila Chakraborty, Adv.
Mr. Arindam Paul, Adv.
Ms. Debarati Das, Adv.
.for the appellant.

Mr. Anupam Dasadhikari, Adv.
...for the official liquidator.

The Court :- By the order dated December 15, 2025 reports were called for from the relevant District Magistrate as also the official liquidator as to whether there were any encroachment in the property of the company (in liquidation) or not.

The relevant District Magistrates did not submit any report despite the communication by the official liquidator.

Report of the official liquidator filed in Court be taken on record.

From the report it transpires that there are no encroachment of the immovable property of the company (in liquidation). The report also specifies the list of creditors and contributors.

Appeal is directed against an order passed by the learned Single Judge transmitting the records of CP/967/2014 to the National Company Law Tribunal (NCLT), Kolkata Bench.

Apparently the winding-up petition was filed by the contributories. The order of winding-up was passed at the behest of the contributories.

In such circumstances, it is debatable as to whether or not the company petition can be transferred to the National Company Law Tribunal as done by the impugned order.

In such circumstances, we set aside the impugned order dated September 8, 2022. We keep all points open with regard to this issue. Learned Single Judge is requested to deal with the company petition as expeditiously as possible.

The official liquidator will mention the company petition for listing before the Hon'ble Single Judge within a week from date.

APOT/314/2023 and IA No.ACO/1/2024 is disposed of.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)