

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA  
Civil Appellate Jurisdiction  
ORIGINAL SIDE

APOT/285/2024  
WITH  
CP/111/2015  
IA NO: ACO/1/2024

PARTH ISPAT (INDIA) PRIVATE LIMITED  
VS  
SURYA ALLOYS INDUSTRIES LIMITED

BEFORE:  
The Hon'ble JUSTICE ARIJIT BANERJEE  
AND  
The Hon'ble JUSTICE OM NARAYAN RAI  
Date : 1<sup>st</sup> May, 2025

Appearance:  
*Mr. Ratnanko Banerji, Sr. Adv.*  
*Mr. Siddharta Sharma, Adv.*  
*Mr. Rishav Dutt, Adv.*  
*Mr. Danish Taslim, Adv.*  
*Ms. Swagata Roy, Adv.*  
*..for the appellant.*  
  
*Mr. Tanoy Chakraborty, Adv.*  
*Mr. Siddharth Shroff, Adv.*  
*...for the respondent.*

The Court: Affidavit-in-opposition to the stay application filed by the respondent, limited to the issue of condonation of delay, be kept with the records.

We have heard learned counsel for the parties. Although we are not fully satisfied with the explanation furnished for the delay in presenting the appeal, for the ends of justice, we allow the prayer for condonation subject to the appellant paying costs assessed at Rs.10,000/- to the State Legal Services Authority within a week from date.

The short question involved in this appeal is whether the learned Single Judge could have *suo motu* transferred the winding-up petition to the National Company Law Tribunal in the facts and circumstances of this case.

All relevant papers are annexed with the stay petition which may be treated as an informal paper book.

List this matter under the heading 'For Hearing' on May 16, 2025.

It is understood that since we propose to hear out this appeal, none of the parties herein shall take further steps before the National Company Law Tribunal until further order.

(ARIJIT BANERJEE, J.)

(OM NARAYAN RAI, J.)