

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P.No.8976 of 2020

M.Gagan Bothra ... Petitioner

-vs-

1.The Central Government,
Legislative Department, Rep. by
The Secretary, New Delhi 110 001.

2.The Ministry of Law and Justice,
Rep. by its Secretary,
4th Floor, A-Wing, Shastri Bhawan,
New Delhi 110 001.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Declaration to declare the proviso, namely "Provided that no application shall ever be filed for initiation of corporate insolvency resolution process of a corporate debtor for the said default occurring during the said period" of The Insolvency and Bankruptcy Code (amendment) Ordinance No.9 of 2020 dated 05.06.2020 as unconstitutional and ultra vires and seek to strike of the same.

सत्यमेव जयते

For Petitioner

: Mr.Gagan Bothra
Party-in-person

For Respondents

: Mr.R.Sankaranarayanan
Addl. Solicitor General of
India, assisted by
Mr.C.V.Ramachandramoorthy,
CGSC.

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JUDGMENT

(Delivered by The Hon'ble Chief Justice)

The Ordinance which is under challenge has now been substituted by an Act and therefore, it will be appropriate that the petitioner, in case he so chooses to question the same, may file a fresh writ petition.

2.This Writ Petition is, accordingly, consigned to records.
No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The Secretary,
Central Government Legislative Department,
New Delhi 110 001.
- 2.The Secretary,
Ministry of Law and Justice,
4th Floor, A-Wing, Shastri Bhawan,
New Delhi 110 001.

+1cc to Mr.C.V.R.Ramachandramurthy, Advocate Sr.32009

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srg 04/11/2020