

21-03-2025
Item No.13
Court no. 14
AGM

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No. 16297 of 2022

With

CAN 1 of 2024

(CAN is not found)

Sri Kapil Mehra

-vs-

Union of India & Ors.

Mr. Syed Nuyrul Arefin.
(on behalf of Mr. Rahul Singh)
... for the petitioner.

Ms. Rashmi Bothra. ...for the Union of India

Ms. Antalina Guha. ...for the respondent no. 2.

1. The matter has been mentioned by the learned advocate representing the bank citing urgency upon notice to the learned advocate representing the petitioner. Copy of the notice of mentioning be retained with the records.
2. It appears that a prayer was made in the writ petition declaring the provisions of Sections 94,95,96,97,98 and 100 of the Insolvency and Bankruptcy Code, 2016 as violative of the provisions of Article 14 of the of the Constitution of India.
3. Learned advocate representing the Bank produces copy of the judgment delivered by the Hon'ble Supreme Court on 9th November, 2023 in **WP (Civil) No. 1281 of 2021 (Dilip B Jiwrajka -versus- Union**

of India & Ors) wherein the Court categorically held that the provisions of Sections 95 to 100 of the Code are not unconstitutional and they do not violate Article 14 of the Constitution.

4. As the issue in question appears to have been conclusively decided by the Hon'ble Supreme Court, accordingly, there is no scope to keep the writ petition pending.
5. The writ petition stands dismissed.
6. The interim order stands vacated.
7. The application being CAN 1 of 2024 is disposed of.
8. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

[Amrita Sinha, J]

