



\$~35 to 50

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 4849/2020 & CM APPL. 17492/2020**
LALIT KUMAR JAINPetitioner
versus

UNION OF INDIA MINISTRY OF LAW
AND JUSTICE & ORS.Respondents

~36

+ **W.P.(C) 5712/2020 & CM APPL. 20648/2020, CM APPL.
23898/2020, CM APPL. 25080/2020**

ANIL DHIRAJLAL AMBANIPetitioner
versus

STATE BANK OF INDIA & ORS.Respondents

~37

+ **W.P.(C) 5881/2020 & CM APPL. 21259/2020**
BALA CHHABRA & ORS.Petitioners
versus

UNION OF INDIA & ORS.Respondents

~38

+ **W.P.(C) 5912/2020 & CM APPL. 21385/2020**
ATUL PUNJPetitioner
versus

UNION OF INDIA & ORS.Respondents

~39

+ **W.P.(C) 5918/2020 & CM APPL. 21401/2020, CM APPL.
25692/2020**

YOGESH MEHRAPetitioner
versus

UNION OF INDIA & ORS.Respondents

~40

+ **W.P.(C) 5942/2020 & CM APPL. 21468/2020, CM APPL.**



25685/2020

AJAY MEHRA

.....Petitioner

versus

UNION OF INDIA & ORS.

.....Respondents

~41

+ **W.P.(C) 6169/2020 & CM APPL. 22094/2020, CM APPL. 25079/2020**

ATUL PUNJ

.....Petitioner

versus

UNION OF INDIA & ORS.

.....Respondents

~42

+ **W.P.(C) 6209/2020 & CM APPL. 22244/2020**

RM GARG

.....Petitioner

versus

UNION OF INDIA & ORS.

.....Respondents

~43

+ **W.P.(C) 6745/2020 & CM APPL. 23432/2020**

SANJAY SINGHAL

.....Petitioner

versus

UNION OF INDIA & ORS.

.....Respondents

~44

+ **W.P.(C) 6746/2020 & CM APPL. 23436/2020**

AARTI SINGAL,

.....Petitioner

versus

UNION OF INDIA & ORS.

.....Respondents

~45

+ **W.P.(C) 7010/2020 & CM APPL. 23911/2020, CM APPL. 24778/2020**

BHAVNA LATHER

.....Petitioner

versus



- ~46
+ INTEC CAPITAL LTD & ORS.Respondents
W.P.(C) 7011/2020 & CM APPL. 23914/2020, CM APPL. 24766/2020
JOGINDER SINGH LATHERPetitioner
versus
- ~47
+ INTEC CAPITAL LTD & ORS.Respondents
W.P.(C) 7012/2020 & CM APPL. 23917/2020, CM APPL. 24768/2020
BIMLA LATHERPetitioner
versus
- ~48
+ INTEC CAPITAL LTD & ORS.Respondents
W.P.(C) 7018/2020 & CM APPL. 23932/2020, CM APPL. 23933/2020, CM APPL. 23934/2020, CM APPL. 24767/2020
CHITRESH LATHERPetitioner
versus
- ~49
+ INTEC CAPITAL LTD & ORS.Respondents
W.P.(C) 7189/2020 & CM APPL. 24307/20, CM APPL. 24308/2020
ANIL NANDAPetitioner
versus
- ~50
+ UNION OF INDIA AND ORS & ORS.Respondents
W.P.(C) 8537/2020 & CM APPL. 27521/2020, CM APPL. 27522/2020
VERINDER KUMAR CHHABRA & ORS.Petitioners
versus
- UNION BANK OF INDIA, THROUGH ASSISTANT GENERAL
MANAGER, STRESSED ASSET MANAGEMENT VERTICAL &



ORS.

.....Respondents

Appearances on behalf of the Petitioners:

Mr. Rajiv Singh, Mr. Neeraj Kumar, Advs.
Mr. Manish Paliwal and Ms. Megha Yadav, Advs.
Mr. Rohit Sharma, Mr. Jatin Lalwani, Mr. Nikhil Purohit and Mr. Jay Rawat, Advs.

Appearances on behalf of the Respondents:

Ms. Pratima N. Lakra, CGSC with Mr. Shailendra Kumar Mishra and Ms. Upanita Soumyadarshini, Advs. for UOI
Mr. Manish Kumar, Adv.
Mr. P.S. Singh, CGSC with Ms. Annu Singh, Ms. Shivangi Sharma, Mr. Aditya Tomar, Mr. Rajneesh K. Shamar, Advs.
Mr. Varun Kalra, Mr. Krishan Kumar, Advs.
Mr. Vikas Mehta, Mr. Vaishak Omanakuttan, Mr. Kartik Pandey, Advs.
Ms. Surabhi Khattar, Mr. Sriharsh Raj, Ms. Pallavi Agarwal, Advs.
Mr. Ajay Kumar Agarwal, Adv.
Mr. Jitendra Kumar Tripathi and Mr. Arunav Padhi, Advs.
Mr. Vivek Goyal, CGSPC and Mr. Aryan Aggarwal, Adv.
Mr. Anmol Sharma, Adv.
Mr. Vikrant Nilesh Goyal, Ms. Nitika Goyal, Mr. Yash Basoya, Mr. Inderpreet Singh, Mr. Kunal Dixit, Advs.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

ORDER

% **28.04.2026**

1. This hearing has been done through hybrid mode.
2. In all these matters, challenge was raised, *inter alia*, in respect of notification dated 15th November, 2019 issued by the Ministry of Corporate Affairs, Government of India, as also constitutional validity of Sections 95, 96, 99, 100 and 101 of the Insolvency and Bankruptcy Code, 2016 insofar as they apply to personal guarantors of corporate debtors.



3. Similar challenge was raised in writ petitions filed before the various High Courts, leading to transfer petitions being filed before the Supreme Court. ***Transfer Petition (Civil) 1034/2020*** titled ***Insolvency and Bankruptcy Board of India v. Lalit Kumar Jain & Ors.***, along with other connected Transfer Petitions was listed before the Supreme Court on 29th October, 2020, wherein it was directed as under:-

“6. After hearing the submissions made by the parties, we are of the considered opinion that the Writ Petitions that are pending in the High Courts pertaining to the challenge to the Notification dated 15.11.2019 and related issues have to be transferred to this Court. Transfer of the Writ Petitions to this Court would avoid conflicting decisions by the High Courts which are in seisin of the Writ Petitions. The Insolvency and Bankruptcy Code is at a nascent stage and it is better that the interpretation of the provisions of the Code is taken up by this Court to avoid any confusion, and to authoritatively settle the law. Considering the importance of the issues raised in the Writ Petitions which need finality of judicial determination at the earliest, it is just and proper that the Writ Petitions are transferred from the High Courts to this Court.

7. We direct the transfer of the Writ Petitions giving rise to the above Transfer Petitions which are pending before the High Courts to this Court. The Registries of the High Courts are directed to transmit the records of the Writ Petitions forthwith.

8. As we have transferred the Writ Petitions filed challenging the Notification dated 15.11.2019 and related issues to this Court, we direct that no further Writ Petitions involving the challenge to the Notification dated 15.11.2019 by which Part III of the Insolvency and Bankruptcy Code, 2016 and other provisions in so far as they relate to personal guarantors to corporate debtors have been brought into force shall be



entertained by any High Court. The interim orders passed by the High Courts, if any, shall continue till further orders.

9. The Transfer Petitions are allowed, accordingly.”

Thus, several writ petitions pending before the High Courts stood transferred to the Supreme Court.

4. *Vide* order dated 10th November, 2020 the present batch of petitions had been adjourned *sine die* in view of the transfer petitions which were filed before the Supreme Court. The relevant portion of the order dated 10th November, 2020 reads as under:

“Learned counsels submit that in respect of some of the matters transfer orders have not yet been passed. However, it is also not disputed that transfer petitions in respect of even those of the matters which have been filed after the aforesaid order of the Supreme Court, have been preferred or, are in the process of being preferred. The intent of the order passed by the Supreme Court is very clear which is to transfer all such matters to itself from all High Courts.

In that view of the matter, we are not inclined to hear any of these petitions till further orders from the Supreme Court.

The petitions are accordingly adjourned sine die with liberty to the parties to move to this Court as and when occasion arises. Registry shall transfer forthwith the records of the petitions to the Supreme Court where requisitions have been received.”

5. Today, the Court is informed that the final judgement in these matters has been passed by the Supreme Court on 21st May, 2021 in **[(2021) 9 SCC 321]** titled ***Lalit Kumar Jain v. Union of India & Ors.*** and connected cases. A copy of the judgement has been handed over to the Court. In terms of the



said judgement, the impugned notification dated 15th November, 2019 has been upheld in the following terms:

“2. The common question which arises in all these cases concerns the vires and validity of a Notification dated 15-11-2019 issued by the Central Government, SO No. 4126 (E) issued by the Ministry of Corporate Affairs, Central Government (hereafter called “the impugned notification”). Other reliefs too have been claimed concerning the validity of the Insolvency and Bankruptcy (Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Rules, 2019 issued on 15-11-2019. Likewise, the validity of regulations challenged by the Insolvency and Bankruptcy Board of India on 20-11-2019 are also the subject-matter of challenge. However, during the course of submissions, the learned counsel for the parties stated that the challenge would be confined to the impugned notification.

xxxx

111. In view of the above discussion, it is held that approval of a resolution plan does not ipso facto discharge a personal guarantor (of a corporate debtor) of her or his liabilities under the contract of guarantee. As held by this court, the release or discharge of a principal borrower from the debt owed by it to its creditor, by an involuntary process, i.e. by operation of law, or due to liquidation or insolvency proceeding, does not absolve the surety/guarantor of his or her liability, which arises out of an independent contract.

112. For the foregoing reasons, it is held that the impugned notification is legal and valid. It is also held that approval of a resolution plan relating to a corporate debtor does not operate so as to



discharge the liabilities of personal guarantors (to corporate debtors). The writ petitions, transferred cases and transfer petitions are accordingly dismissed in the above terms, without order on costs.”

6. Since the validity of the notification dated 15th November, 2019 and the connected provisions has already been decided by the Supreme Court *vide* judgment dated 21st May, 2021 as extracted above, the challenge in the present petitions would no longer survive.

7. The writ petitions along with pending applications, if any, are also disposed of in terms of the judgement dated 21st May, 2021 passed by the Supreme Court.

PRATHIBA M. SINGH, J.

MADHU JAIN, J.

APRIL 28, 2026/prg/msh