



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Civil Writ Petition No. 17148/2021

Mr. Hemant Bohra

----Petitioner

Versus

Union Of India & Ors.

----Respondents



For Petitioner(s) : Mr. Dhruv Dewan, through V.C.
Mr. Shreyansh Mardia,
Ms. Shaambhavi Bhansali Mardia
For Respondent(s) : ----

**HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI
HON'BLE MR. JUSTICE RAMESHWAR VYAS**

Order

03/01/2022

The petitioner is guarantor, against whom the proceedings under the Insolvency and Bankruptcy Code, 2016 ('IBC', for short) have been instituted. He has challenged the constitutionality of Sections 95, 97 and 99 of the IBC.

Learned counsel for the petitioner has strenuously urged that the scheme under Chapter III of the IBC and in particular the impugned statutory provisions envisaged appointment of resolution professional, who himself at the instance of the creditors filed application under Section 95 of the IBC and who thus, has personal interest.

Issue notice to the respondents, returnable on 07.02.2022.

Since the provisions of the law framed by the Parliament are under challenge, we therefore issue notice to the learned Additional Solicitor General, returnable on the same date.



We are, however, not inclined to entertain the interim relief. Learned counsel for the petitioners requests that no reasons may be recorded for such purpose. We accept his request.

(RAMESHWAR VYAS),J

(AKIL KURESHI),CJ

2-MohitTak/-



RAJASTHAN HIGH COURT



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