

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

MP No. 14 of 2025

(*RAKESH RAJPAL Vs ASHOK KUMAR GUPTA*)

Dated : 17-01-2025

Shri Abhinav Dubey - Advocate for the petitioner.

Issue notice to the respondent on payment of PF by registered mode within seven working days RAD mode, returnable within four weeks, failing which, this petition shall stand dismissed without further reference to the Bench.

Heard on the question of interim relief.

It is pointed out that between the same parties with respect to the similar application filed before the Bench at Indore. As the parties are same, and the proceedings under Section 138 of Negotiable Instruments Act is initiated, the petitioner is also entitled for the similar relief.

Counsel for the petitioner submits that the trial Court as well as Revisional Court have erroneously refused to stay the proceedings under Section 138 of Negotiable Instruments Act. It is submitted that the petitioner is facing proceedings under Insolvency and Bankruptcy Code, 2016 and on his application, an order under Section 96 regarding interim moratorium has been passed and, therefore the proceedings ought to have been stayed. He submits that both the Courts have erred in holding that the aforesaid provisions would not apply in the case of individual person facing 138 proceedings. It is argued that the Supreme Court in the case of *P. Mohanraj & Ors. v. Shah Brothers Ispat Private Limited* reported in (2021) 6

SCC 258 while interpreting the scope of interim moratorium under the IBC explained that Section 96 includes the phrase "in respect of any debt" which imputes a wider connotation and further relies on para 47 of the said judgment wherein it is held that the interim orders, also applies to the individual person facing proceedings under Section 138 of the Negotiable Instruments Act.

Considering the aforesaid submissions, as an interim measure, it is directed that the further proceedings of RCT No.5488/2018 pending before the concerning trial Court shall remain stayed.

CC as per rules.

(VISHAL MISHRA)
JUDGE

L.Raj