

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION NO. 10497 of 2019**

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MANOJ MAHENDRABHAI SOMANI MANAGING DIRECTOR OF M/S
GOPALA POLYPLAST LIMITED

Versus

STATE OF GUJARAT

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Appearance:

MR VIRAT G POPAT(3710) for the Applicant(s) No. 1,2

TIRTH N BHATT(8487) for the Applicant(s) No. 1,2

for the Respondent(s) No. 2

MR MITESH AMIN, PP (2) for the Respondent(s) No. 1

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CORAM: HONOURABLE MR.JUSTICE S.H.VORA

Date : 11/12/2019

ORAL ORDER

1. Considering the facts of the case, it appears that the moratorium was issued by NCLT, Ahmedabad on 02.05.2019 in exercise of powers under Section 14(1) of the Bankruptcy Code. Further, the issue whether the proceeding under Section 138 of the N.I. Act is covered by Section 14 of the Bankruptcy Code is under consideration before the Hon'ble Apex Court in Civil Appeal No.10355 of 2018.

2. In view of such position, let there be **Rule**. Learned P.P. waives service of Rule for the respondent – State.

3. Meanwhile, relief in terms of para 12(c) is granted.

4. However, the respondent No.2 is at liberty to move for early hearing of the present petition after disposal of said Civil Appeal No.10355 of 2018 pending before the Hon'ble Apex Court. Direct service is permitted.

(S.H.VORA, J)

SATISH