

GAHC010007282024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/372/2024

M/S AIR TRANSPORT CORPORATION ASSAM PRIVATE LIMITED
REPRESENTED BY ITS DIRECTOR, PRANAV GOYAL, HAVING ITS
REGISTERED OFFICE AT ATC BUILDING, GROUND FLOOR, KEDAR ROAD,
KAMRUP M GUWAHATI 781001, ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
INDUSTRIES AND COMMERCE, DEPARTMENT

2:ASSAM MICRO AND SMALL ENTERPRISE FACILITATION COUNCIL

REPRESENTED BY THE COMMISSIONER
INDUSTRIES AND COMMERCE
BAMUNIMAIDAM
GUWAHATI 781021
ASSAM

3:NAOLIN INFRASTRUCTURE PVT. LTD.
6-3-1090/1/1/3
3RD FLOOR
UMA HYDEREBAD HOUSE
RAJ BHAWAN ROAD
SOMAJIGUDA
HYDERABAD
TELANGANA 50008

Advocate for the Petitioner : D DAS

Advocate for the Respondent : SC, INDUSTRIES AND COMMERCE

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

09.02.2024

1. Heard Mr. D. Das, learned counsel for the petitioner. Also heard Mr. A. Kalita, learned Standing Counsel appearing for the respondents No. 1 and 2.
2. The petitioner has approached this Court in view of the fact that the dispute between the petitioner and the respondents, in respect of bills to be paid as freight charges, which had been referred to the Facilitation Counsel under Section 18 of the Micro Small Medium Enterprises Development Act, 2006, has not been decided.
3. The case of the petitioner is that despite an application having been submitted to the Facilitation Counsel, the same has not been taken up by the Facilitation Counsel till date.
4. Mr. A. Kalita, learned Standing Counsel for the respondents No. 1 and 2 submits that he has received information with regard to the petitioner's application, made under Section 18 of the 2006 Act, vide Letter No. E 444468/7 dated 08.02.2024 issued by the Joint Director (SP), Office of the Commissioner of Industries & Commerce, Assam. He submits that the copies of the e-mail dated 21.10.2021 issued by the Commissionerate of Industries & Commerce, Assam and letter dated 18.06.2022 issued by the Joint Director (SP), Office of the Commissioner of Industries & Commerce, Assam shows that notice had been given to the petitioner, informing him about the meeting to be held by the Facilitation Counsel. However, the petitioner failed to appear before the

Facilitation Counsel. The 10th Meeting Minutes of the Micro and Small Enterprise Facilitation Counsel held on 29.10.2021 is also produced and the same shows that the petitioner did not appear in the meeting. The 13th Meeting Minutes of the Micro and Small Enterprise Facilitation Council held on 21.06.2022 is also to the same effect. The Facilitation Counsel had thereafter decided to close the case of the petitioner, in view of his continued absence in the meetings of the Facilitation Counsel.

5. Mr. D. Das, learned counsel for the petitioner submits that the petitioner has not received any notice of the meetings to be held by the Facilitation Counsel and as such, was unable to attend the same.

6. In view of the submission made by Mr. D. Das, learned counsel for the petitioner, this Court is of the view that the petitioner should submit an application before the Facilitation Counsel to reopen his case, whereupon the Facilitation Counsel should consider the application of the petitioner. The letter No. 444468/7 dated 08.02.2024 issued by the Joint Director (SP), Office of the Commissioner of Industries and Commerce, Assam and the other letters and Meeting Minutes referred to above are made a part of the record and marked as 'Annexure-X' collectively. The petitioner should submit his application before the Facilitation Counsel within a period of 10 days from today, along with a copy of the order.

7. The writ petition is accordingly disposed off.

JUDGE

Comparing Assistant