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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1640 of 2016**

- M/s Jms Mining Services Private Limited S/o (Formerly Known As Joy Mining Services India Pvt. Ltd. (A Company Incorporated Under The Companies Act 1956), Having Office At Asyst Park 2nd Floor G.N. 37/1, Salt Lake Sector V, Kolkata 700091 Through Its Authorized Signatory Shri Ganesh Gupta S/o Late Shri Sidh Nath Gupta

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary Department Of Commerce & Industries Mantralaya, Mahanadi Bhawan, Naya Raipur Chhattigarh
2. Directorate Of Industries, Chhattigarh Udyog Bhawan, Ring Road, No. 1, Telebandha, Raipur Chhattisgarh, Through Its Director,
3. Micro And Small Enterprises Facilitation Council, Chhattisgarh Directorate Of Industries, Chhattisgarh Having Office At Udyog Bhawan, Ring Road, No. 1 Telebandha, Raipur Chhattisgarh Through Its Director
4. M/s Arora Fabricators, Industrial Estate, Manendragarh, District Korea Chhattisgarh

---- Respondents**And****WPC No. 1645 Of 2016**

- M/s J M S Mining Services Private Limited (Formerly Known As Joy Mining Services India Pvt. Ltd. (A Company Incorporated Under The Companies Act 1956), Having Office At Asyst Park 2nd Floor G.N. 37/1, Salt Lake Sector V, Kolkata 700091 Through Its Authorized Signatory Shri Ganesh Gupta S/o Late Shri Sidh Nath Gupta

---- Petitioner**Vs**

1. State Of Chhattisgarh Through The Secretary Department Of Commerce & Industries Mantralaya, Mahanadi Bhawan, Naya Raipur Chhattigarh
2. Directorate Of Industries, Chhattigarh Udyog Bhawna, Ring Road, No. 1, Telebandha, Raipur Chhattisgarh, Through Its Director,
3. Micro And Small Enterprises Facilitation Council, Chhattisgarh Directorate Of Industries, Chhattisgarh Having Office At Udyog Bhawan, Ring Road, No. 1 Telebandha, Raipur Chhattisgarh Through Its Director

4. M/s Steel Experts, 10 Industrial Area, Village Chainpur, Mahendragarh, District Korea Chhattisgarh

---- Respondents

And

WPC No. 1642 Of 2016

- M/s Jms Mining Services Private Limited (Formerly Known As Joy Mining Services India Pvt. Ltd. (A Company Incorporated Under The Companies Act 1956), Having Office At Asyst Park 2nd Floor G.N. 37/1, Salt Lake Sector V, Kolkata 700091 Through Its Authorized Signatory Shri Ganesh Gupta S/o Late Shri Sidh Nath Gupta

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary Department Of Commerce & Industries Mantralaya, Mahanadi Bhawan, Naya Raipur Chhattigarh
2. Directorate Of Industries, Chhattigarh Udyog Bhawna, Ring Road, No. 1, Telebandha, Raipur Chhattisgarh, Through Its Director,
3. Micro And Small Enterprises Facilitation Council, Chhattisgarh Directorate Of Industries, Chhattisgarh Having Office At Udyog Bhawan, Ring Road, No. 1 Telebandha, Raipur Chhattisgarh Through Its Director
4. M/s Radha Vallabh Industries, Plot No. 133/A& B, Sector B, Sirgitti Industria I Area, Bilaspur, Chhattisgarh

---- Respondents

And

WPC No. 1643 Of 2016

- M/s J M S Mining Services Private Limited (Formerly Known As Joy Mining Services India Pvt. Ltd. (A Company Incorporated Under The Companies Act 1956), Having Office At Asyst Park 2nd Floor G.N. 37/1, Salt Lake Sector V, Kolkata 700091 Through Its Authorized Signatory Shri Ganesh Gupta S/o Late Shri Sidh Nath Gupta

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary Department Of Commerce & Industries Mantralaya, Mahanadi Bhawan, Naya Raipur Chhattigarh
2. Directorate Of Industries, Chhattigarh Udyog Bhawna, Ring Road, No. 1, Telebandha, Raipur Chhattisgarh, Through Its Director,

3. Micro And Small Enterprises Facilitation Council, Chhattisgarh Directorate Of Industries, Chhattisgarh Having Office At Udyog Bhawan, Ring Road, No. 1 Telebandha, Raipur Chhattisgarh Through Its Director
4. M/s D.D. Enterprises, Industrial Area, Plot No 109 D, Sector B, Sirgitti Industrial Estate, Bilaspur Chhattisgarh

---- Respondents

For Petitioners	:	Shri Ashish Shrivastava, Advocate
For Respondents-State	:	Shri Shashank Thakur, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

04/07/2016

1. These writ petitions have been preferred by M/s JMS Mining Services Private Limited seeking direction to respondent No.3 Micro And Small Enterprises Facilitation Council, Chhattisgarh to provide copies of the minutes of every conciliation meeting held by the council which is considering application moved by respondent No.4 for adjudicating the dispute in terms of the provisions contained under the Micro, Small and Medium Enterprises Development Act, 2006 (for short 'the Act, 2006').
2. It is contended that the council has already conducted several meetings since the year 2014 and the petitioner has sought for copies of the minutes/orders passed in such meetings by moving applications (Annexure P-8, in WPC 1640/2016), however, the copies are not supplied to the petitioner.
3. A perusal of the provisions contained under Section 18 of the Act, 2006 would demonstrate that the council is empowered to conduct conciliation and upon failure of such conciliation proceeding, it may itself take up the dispute for arbitration or refer it to any institution or center providing

alternate dispute resolution services for such arbitration and the provisions of the Arbitration and Conciliation Act, 1996 shall then apply to the dispute as if the arbitration was in pursuance of an arbitration agreement referred to in sub-section (1) of Section 7 of that Act. It is thus, apparent that the council has been given quasi judicial power to entertain the dispute arisen between the parties, therefore, being an authority empowered to adjudicate, it is bound to supply copies of the minutes and orders recorded during the conciliation proceedings.

4. In view of the above, all the writ petitions are disposed of with a direction to the council that if the petitioner moves fresh applications for obtaining the minutes of the conciliation meeting or the orders passed therein within a period of two weeks from today, the council shall supply the required copies within a further period of four weeks.

Sd/-

Judge
Prashant Kumar Mishra

Ashu