

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.34059 of 2016

Date: 17.10.2016

Between:

M/s. Metro Chem API Private Limited,
Flat No. 302, 3rd Floor, Bhanu Enclave,
Erragadda, Hyderabad, rep.by its
Assistant Manager.

.....Petitioner

and

The State of Telangana, rep.by its
Principal Secretary, Industries & Commerce
Department, Secretariat, Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioner challenges the initiation of the proceedings by the Telangana Micro & Small Enterprises Facilitation Council. According to the petitioner, proceeding were initiated on 13.11.2015 and proceedings would disclose that the issue relates to the period prior to registration of the petitioner company and, therefore, the claim is not maintainable and that procedure as envisaged under Section 18(2) of Micro, Small and Medium Enterprises Development Act, 2006 was not followed before taking up the regular proceedings.

2. Learned counsel for petitioner circulated notice dated 03.08.2016 directing him to appear before the Council on 19.08.2016. According to learned counsel, matter was not closed and was further adjourned, and that the authorities insisting petitioner to file written submissions without considering the objections raised by the petitioner.

3. No material is placed before this Court to show that a decision is already arrived at by the authority. As of now, it is only at the stage of initiation of the proceedings under the Act. It is open to the petitioner to raise contentions noted above, if not raised already and can have a grievance only if the authority does not take into consideration the submissions on those two aspects and proceed to penalize the petitioner.

4. In the given facts of this case, whether the proceedings under the Act are maintainable can be gone into only if the decision is taken by the authority, ignoring the objections filed by the petitioner. The objections raised by the petitioner have to be considered with reference to the factual aspects concerning the issue and no finding can be recorded holding that the authority is not competent to initiate the proceedings impugned in the writ petition even before he takes a decision. Thus, it is premature, at this stage, to consider the issue.

5. Writ petition is dismissed accordingly. However, it is open to the petitioner to make a representation to the authority to consider the objections raised by him as preliminary issues before making a decision on merits and as and when such objection is filed, it is needless to observe, that the authority would consider the same.

Miscellaneous petitions if any pending shall stand closed.

No costs.

JUSTICE P.NAVEEN RAO

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