

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3009 OF 2014

M/s. Karuna Cables Ltd., ... Petitioner.

V/s.

Micro and Small Enterprises
Facilitation Council & Anr. ... Respondents.

Mr.Suresh Dhole i/by Anuja Dhole, Advocate for the Petitioner.
Ms. Savita A. Prabhune, Advocate for Respondent No.2.

**CORAM : NARESH H. PATIL AND
SMT. BHARATI H. DANGRE,JJ.**

DATE : 12th JUNE, 2017

P.C. :

1 Heard. Rule. By consent, the Rule is made returnable forthwith and heard finally.

2 In this petition, the petitioner challenges the impugned order/communication dated 21.01.2014 (Annexure P-1) issued by Respondent No.1-Micro & Small Enterprises Facilitation Council and Jt. Director of Industries, Konkan Region, Thane. The Petitioner had filed the application dated 23.12.2013 before the Respondent No.1, to which by the said impugned communication the Respondent No. 1 informed the Petitioner that as the Petitioner's unit is acknowledged by the

District Industries Centre, Sangareddy, District Medak, Andhra Pradesh, the Petitioner should approach the concerned Micro or Small Enterprises Facilitation Council in the State of Andhra Pradesh.

3 The learned counsel for the Petitioner submits that this communication was issued by the Member Secretary of Micro & Small Enterprises Facilitation Council, Konkan Division Thane, which is the designated Council set out under the Micro Small and Medium Enterprises Development Act, 2006. However, according to him, the Petitioner was not heard while deciding his application, as the same was not placed before the Council but the decision impugned was taken by the Member Secretary of the Council. To this limited extent the learned counsel for the petitioner seeks necessary direction to the concerned authority, keeping all the issues on merits open.

4 The learned counsel for the Respondent submits that the Micro & Small Enterprises Facilitation Council in the State of Andhra Pradesh, has jurisdiction to entertain the Petitioner's application.

5 During the course of hearing, our attention was invited to the Rules framed in 2006, which were published by way of Notification issued by the Industries, Energy and Labour Department, Mantralaya, Mumbai dated 7th January,

2008. These Rules were framed by the Government of Maharashtra in exercise of the powers conferred by sub-section (3) of Section 21 of the Micro, Small and Medium Enterprises Development Act, 2006. However, we do not express any opinion as to whether the Petitioner's application ought to have been considered by the Council constituted under the State of Maharashtra under the provisions of Micro, Small and Medium Enterprises Development Act, 2006. The Petitioner's only contention is that his application ought to have been placed before the Council, which could have decided the jurisdictional issue. Only for this limited issue we would remand the matter back to the Micro and Small Enterprises Facilitation Council, Konkan Division, Thane.

6 The communication dated 21.01.2014 (Annexure P-1) is set aside.

7 The matter is remanded. The Council shall take decision independently on its own merits. All other issues on merits are kept open.

8 Rule is made absolute in the above terms. No costs.

(SMT. BHARATI H. DANGRE,J.)

(NARESH H. PATIL,J.)

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