

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 21.03.2017
Coram

The Hon'ble Mr.Justice Nooty. Ramamohana Rao
and
The Hon'ble Mr.Justice S.M.Subramaniam

O.S.A.No. 56 of 2017
and
C.M.P.Nos.4715 of 2017

M/s. Kansai Nerolac Paints Limited,
Nerolac House, Ganpatrao Kadam Marg,
Lower Parel,

rep.by its Authorised Signatory

Mr. G.T. Govindarajan.

Mumbai - 400 013

(C/T accepted as per order of this Court
dated 10/3/2017 in CMP.4453/17 in OSA.SR 20500/17

...Appellant

Vs.

1. M/s. Prateesh Engineering Enterprises,
R.S.No.223, Chidambaram Road,
SIPCOT, Cuddalore - 607 005.

2. The Zonal Officer
MSE Facilitation Council
Regional Joint Director of Industries and Commerce,
SIDCO Corporate Building, Chennai - 600 032.
3. The Chairman
MSE Facilitation Council,
Director of Industries and Commerce,
SIDCO Corporate Building, Chennai - 600 032.

4. Thiru R. Srinivasan,
Regional Manager,
Tamil Nadu Investment Corporation,
692, Anna Salai, Nandanam,
Chennai - 600 035.
5. Thiru D. Gandhikumar
Vice-President,
Federation of Indian Micro and Small and Medium
Enterprises
B-4/161, Safdarjung Enclave,
New Delhi- 110 029.
6. Thiru C.K. Mohan
Vice President,
Tamil Nadu Small and Tiny Industries Association,
No.10, G.S.T. Road,
Guindy, Chennai - 600 032.
7. Thiru A. Arunkumar
Lead District Manager,
Indian Overseas Bank,
15, Hunters Road, Doveton,
Chennai - 600 112.
- ...Respondents

This Original Side Appeal is filed under Order XXXVI Rule 9 of the O.S. Rules read with Clause 15 of Letters Patent to set aside the order passed in O.P.No. 953 of 2016, dated 08.02.2017 on the file of this Court.

For Appellant : Mr. Allwin Godwin

For Respondent-1 : Mr.R.Parthasarathy

JUDGEMENT

(Judgement of the Court was delivered by
Nooty Ramamohana Rao, J.,)

This Original Side Appeal is instituted, calling in question, the correctness of the order passed by our Learned Brother, Justice T.S.Sivagnanam on 08.02.2017, setting aside the award passed on 27.07.2016, by the Zonal Officer, MSE Facilitation Council, Regional Joint Director of Industries and Commerce, SIDCO Corporate Building, Chennai, and remanding the matter back for consideration afresh.

2. While entertaining this Appeal, we had useful round of discussion with Mr.P.H, Aravind Pandian, learned Senior Counsel, who appeared on behalf of M/s.Shardul Amarchandmangaldas and Company, the learned counsel for the appellant, and also with Mr.R.Parthasarathy, the learned counsel, who appeared on behalf of the first respondent, Small Scale Industries Entrepreneur, who has approached MSE Facilitation Council for securing payments due and payable to it by the appellant before us. The dispute in between the parties, lied in a very narrow campus. We, therefore, suggested to the appellant, who is a leading industrial Entrepreneur to sort out the dispute amicably, keeping in view, the very purpose and object behind the establishment of Micro, Small and Medium Enterprises. Accordingly, both sides have returned to the negotiating table, and consequently, the dispute that has emanated and kept pending between the parties has been settled to their mutual satisfaction on 16th of March, 2017. Accordingly, a joint Memorandum of reducing the terms of settlement into the writing, duly signed by both the appellant and the 1st respondent as well as their respective learned counsel has been filed into the Court today, which Memorandum of Settlement drawn and filed into the Court, has been accepted by us.

3. We, very happily record our full satisfaction and appreciation for the wonderful efforts put in by the learned counsel appearing on both sides, and also the spirit of compromise exhibited by both sides.

4. In that view of the matter, we dispose of this Original Side Appeal, by passing a decree in Terms of Compromise/Memorandum of Settlement arrived at by and between the parties, as noted down in the joint Memo filed into the Court today. Accordingly, the dispute between the parties shall stand settled in accordance with and in terms thereof. This Memorandum of Settlement shall form part of the decree.

No costs. Consequently, the Civil Miscellaneous Petition No.4715 of 2017 is closed.

-s/d-
Assistant Registrar(CSV)

True Copy

Sub-Assistant Registrar

Copy to

1.The Registrar General,
High Court, Madras.

2.The Sub Assistant Registrar
Original Side,
High Court Madras

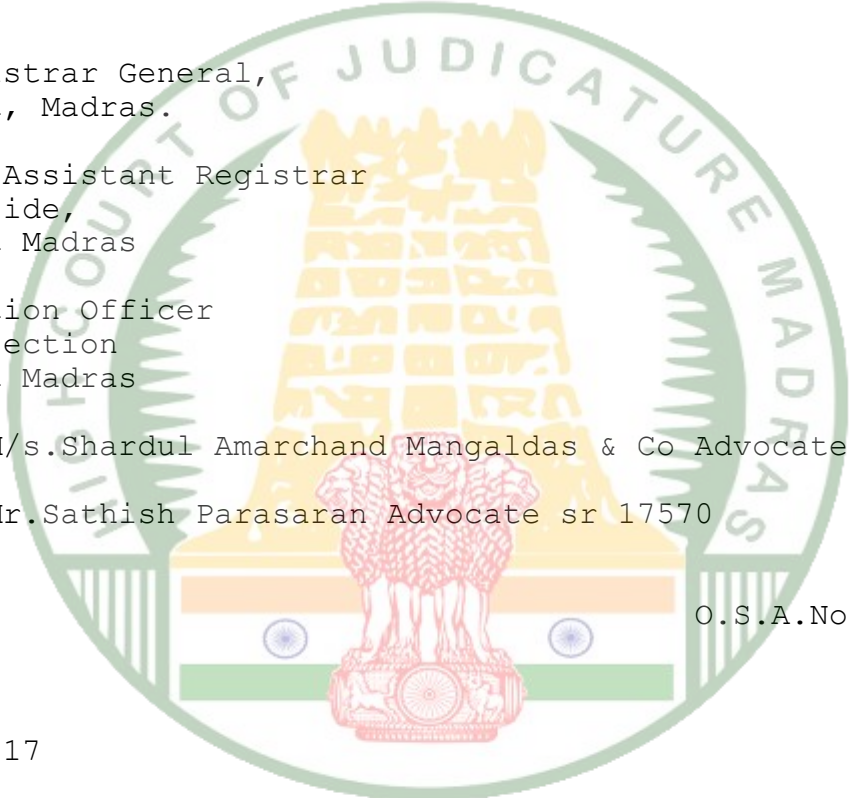
3.The Section Officer
Accounts Section
High Court Madras

+2 cc to M/s.Shardul Amarchand Mangaldas & Co Advocate
sr 17468

+1 cc to Mr.Sathish Parasaran Advocate sr 17570

O.S.A.No.56 of 2017

aa22/03/2017

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. Below the lion capital is a red wheel (Chakras) and a red lotus. The entire emblem is set against a background of horizontal stripes (green, white, orange, white, green). The words "HIGH COURT OF JUDICATURE MADRAS" are written in a green circle around the emblem. Below the emblem, the motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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