

In the High Court of Punjab and Haryana at Chandigarh.

**CWP-1113 of 2017
Decided on 20.03.2017**

M/s.Amtek Transportation System Limited

--Petitioner

Vs.

State of Haryana and others

--Respondents

CWP-1114 of 2017

M/s.Amtek Transportation System Limited

--Petitioner

Vs.

State of Haryana and others

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Sehaj Bir Singh, Advocate,for the petitioner

Mr.Ravi Partap Singh,A.A.G, Haryana, for respondents
Nos. 1 to 3

Mr.Jeetendra Gupta,Advocate, for respondent No.4

Rakesh Kumar Jain,J: (Oral)

This order shall dispose of two writ petitions bearing CWP
Nos.1113 and 1114 of 2017 as the common question of law is involved
therein. However, the facts are being extracted from CWP-1113 of 2017.

This petition is filed in order to challenge the correctness of the order dated 05.10.2016 passed by the Chairman, Haryana Micro and Small Enterprises Facilitation Council in its 90th meeting held on 05.10.2016, wherein the Council came to the conclusion that the parties are at the loggers head and there is no chance of mutual settlement by way of conciliation through mutual understanding. Therefore, the Council referred the matter to the Arbitrator in terms of Section 18 (3) of Chapter V of Micro Small & Medium Enterprises Development Act, 2006.

First argument raised by learned counsel for the petitioner is that the respondents have not followed the Rule 4 (6) of the Haryana Micro and Small Enterprises Facilitation Council Rules, 2007 (for short, 'the Rules') as the application was not filed in the prescribed form. It is also submitted that the council did not provide a proper opportunity to the petitioner during conciliation proceedings and no opportunity was granted to file the reply.

Learned counsel for the respondents has submitted that the petitioner is an enterprise and has referred to a certificate issued by the District Centre, Faridabad in which category of the petitioner has been shown as Micro for the purpose of manufacturing. It is submitted that notice was issued by the Council to the petitioner but the petitioner did not file reply despite availing four opportunities granted and also did not question the jurisdiction of the Council to entertain the application on the ground that the respondent is not a Micro enterprise.

Insofar as the allegation of the petitioner that the Council did not provide a proper opportunity to defend, it is submitted that four

opportunities were granted to the petitioner which are highlighted with the aid of Annexures R-2 to R-4 but despite that, the petitioner did not file any reply. It is rather submitted that the petitioner is making an effort to delay the proceedings.

After hearing learned counsel for the parties and examining the record, I am of the considered opinion that there is no merit in these petitions because evidence has been brought on record by the respondents as per which it is declared Micro Enterprise by the Department of Industries and there is no evidence to the contrary brought on record by the petitioner.

As regards opportunity of hearing is concerned, the respondents have also placed on record Annexures R2 to R4 to show that the petitioner has been given repeated opportunities to appear and to file reply which were not availed.

In view thereof, there is no force in the arguments raised by learned counsel for the petitioner and both the petitions are hereby dismissed with no order as to costs.

20.03.2017
rr

(Rakesh Kumar Jain)
Judge

Whether Speaking/Reasoned: Yes/No.

Whether Reportable: Yes/No.