

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 903 of 2017**

- M/s Expert Engineering Company (Presently Known As Electronic And Power Control Company), The Company Incorporated Under The Indian Companies Act, 1956, 93, Industrial Estate, Bhilai, District-Durg, Chhattisgarh Through Its Director Amit Bahadur, S/o Rajesh Bahadur, Aged About 42 Years, R/o SM 46, Padmanabhpur, Durg, Police Station, Tahsil Civil And Revenue District- Durg, Chhattisgarh,

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Industries, Mahanadi Mantralaya, Naya Raipur, Police Station Naya Raipur, Tahsil, Civil And Revenue District Raipur Chhattisgarh
2. Micro And Small Enterprises Facilitation Council (MSEFC), Constituted Under MSMED Act, 2006, Udyog Bhawan, Ring Road No. 1, Telibandha, Tahsil, Civil And Revenue District Raipur Chhattisgarh
3. Director, Directorate Of Industries, Chhattisgarh, Indrawati Bhawan, Naya Raipur, Police Station Naya Raipur, Tahsil, Civil And Revenue District Raipur, Chhattisgarh
4. Hindustan Steel Works Construction Ltd. A Company Registered Under The Indian Companies Act, 1956 (A Government Of India Undertaking), Bhilai, Police Station And Tahsil- Bhiali, Civil And Revenue District- Durg, Chhattisgarh

---- Respondent**WPC No. 1027 of 2017**

- M/s Graduate Agro And Mechanical Engineers Through Its Partner Vinay Kumar Agrawal, Aged About 67 Years, S/o Late I. P. Agrawal R/o Plot No. 19 A, Light Industrial Area, Bhilai, Police Station Bhilai, Tahsil, Civil And Revenue District Durg Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Industries, Mahanadi Bhawan, New Mantralaya, Raipur, Police Station

Kewli, Tahsil, Civil And Revenue District Raipur Chhattisgarh.

2. Micro And Small Enterprises Facilitation Council (MSEFC), constituted Under MSMED Act, 2006, Udyog Bhawan, Ring Road No. 1, Telibandha, Police Station Telibandha, Tahsil, Civil And Revenue District Raipur Chhattisgarh.
3. Director, Directorate Of Industries, Chhattisgarh, Indrawati Bhawan, New Raipur, Police Station Kewli, Tahsil, Civil And Revenue District Raipur Chhattisgarh.
4. Hindustan Steel Works Ltd., (A Government Of India Enterprises) Head Office 8th Manjil, Shekhpura Sarini, Kolkata, Branch Office Equipment Chowk Bhilai, Police Station Bhilai, Tahsil, Civil And Revenue District Durg Chhattisgarh.

----- Respondent

For Petitioners : Shri Rajeev Shrivastava & Shri Ratnesh Kumar
Agrawal, Advocates.
For Respondent/State : Shri Anand Dadriya, Deputy GA.
For Respondent No.4 : Shri N. Naha Roy, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

24/10/2018 :

1. The petitioners have moved an application before the Facilitation Council constituted under the Micro, Small and Medium Enterprises Development Act, 2006 (for short 'the Act, 2006') raising a dispute against respondent No.4. The Council passed an order on 10.1.2012 refusing to entertain dispute which was assailed before the District Judge, Raipur under Section 34 of the Arbitration and Conciliation Act, 1996 (for short 'the Act'). The District Judge by its order dated 13.09.2013 set aside the order of the Council and remitted the matter

back for decision on merits. Thereafter respondent No.4 preferred writ petitions bearing WPC Nos.502 & 503 of 2014 which were pending before this Court. The present impugned order closing application under Section 18 (1) of the Act, 2006 has been passed on account of pendency of above stated two writ petitions before this Court.

2. During the pendency of the present writ petition, the aforesaid writ petitions have been dismissed as infructuous, therefore, now the Facilitation Council is required to decide the petitioners' application under Section 18 (1) of the Act, 2006 in accordance with the scheme and the procedure under the Act, 2006.
3. Accordingly, the impugned orders are quashed. Both the parties shall appear before the Facilitation Council on **12.11.2018**. Thereafter the Council shall decide the application on merits expeditiously preferably within a period of 3 months from the said date.
4. The Writ Petitions are accordingly disposed of.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve