



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) (PD) No.751 of 2017

and

C.M.P. (MD) No.3444 of 2017

M/s.PRP Exports,
A registered Partnership Firm,
Represented through its Partner,
P.Sureshkumar ... Petitioner / Petitioner / Petitioner

/Vs./

M/s.Technology Diamond Tools India Pvt. Ltd.,
Unit - Ii, 100% EOU, Block-2,
Survey No.97/2A, 2A,
Devaganapalli Village,
Near Madhagondapalli Educational Centre,
Thally Road, Denkanikottai Taluk,
Krishnagiri District. ... Respondent / Respondent / Respondent

Prayer: Civil Revision Petition - filed under Article 227 of the Constitution of India, to direct the learned Principal District Judge, Madurai, to take the petition filed in I.A.SR.No.195 of 2017 in Ar.O.P.SR.No.19590 of 2016 on its file and to dispose of the same on merits within the stipulated period of time and to allow this Civil Revision Petition.

For Petitioner : Mr.G.Sridharan

ORDER

The revision petitioner suffered an award dated 05.08.2016 at the hands of Micro and Small Enterprises Facilitation Council, Coimbatore Region. To set aside the same, the revision petitioner filed a petition under Section 19 of the Micro, Small and Medium Enterprises Development Act, 2006. The said provision contemplates that the application for setting aside any decree shall be entertained by any Court if the appellant has deposited seventy-five percent of the amount in terms of the award amount. But then, the proviso reads as under:

"19.Application for setting aside decree, award or order - No application for setting aside any decree, award or other order made either by the Council itself or by any institution or centre providing alternate dispute resolution services to which a reference is made by the Council, shall be entertained by any Court unless the appellant (not



being a supplier) has deposited with it seventy-five percent of the amount in terms of the decree, award or, as the case may be, the other order in the manner directed by such Court.

Provided that pending disposal of the application to set aside the decree, award or order, the Court shall order that such percentage of the amount deposited shall be paid to the supplier, as it considers reasonable under the circumstances of the case, subject to such conditions as it deems necessary to impose."

In this case, when the petitioner has invoked the said provision, the Court below has returned the petition filed by the petitioner herein.

2. Therefore, this Court is of the view that when jurisdiction has been conferred on the Court below, the same must be exercised one way or the other. Non numbering the Interlocutory Application or the Original Petition is not correct.

3. Without expressing any opinion on the merits of the matter, the learned Principal District Judge, Madurai, is directed to number the petition filed by the petitioner herein in terms of Section 19 of the Micro, Small and Medium Enterprises Development Act, 2006. Accordingly, the civil revision petition stands allowed.

4. Registry is directed to return I.A.SR.No.195 of 2017 in Ar.O.P.SR.No.19590 of 2016 in original. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar(CS-III)

To

The Principal District Judge, Madurai.

+1cc to Mr.G.Sridharan, Advocate, SR.No. 79260

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