

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 111

CR-2006-2019 (O&M)

Date of decision : 08.05.2019

M/s Hindustan Power Instruments
Pvt. Ltd.

..... Petitioner

VERSUS

M/s Xalted Information System
Pvt. Ltd. and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Daman Dhir, Advocate, for the petitioner.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Article 227 of the Constitution of India, a direction is sought to be issued to the Additional District Judge, Chandigarh to expeditiously decide the application filed by the petitioner under Section 19 of the Micro, Small and Medium Enterprises Development Act, 2006 (for short, the Act).

The facts, in brief, which are required to be noticed for adjudicating upon the present petition are that in a dispute between the parties the Haryana Micro and Small Enterprises Facilitation Council, Chandigarh, through its award dated 11.06.2012 held the petitioner entitled to claim from respondent No.1 ₹9,22,500/- alongwith interest. To such award, respondent No. 1 filed objections which on 16.01.2018 were dismissed by the Additional District Judge, Chandigarh. Respondent No. 1 then filed an appeal before this Court being FAO-1345-2018 “*M/s Xalted Information Systems Pvt. Ltd. vs Hindustan Power Instruments Pvt. Ltd. and another*” which was also dismissed on 12.03.2018.

Before this Court passed an order dismissing respondent No. 1's

appeal, on 06.02.2018, an application was preferred by the petitioner under Section 19 of the Act seeking therein release of 75% of the awarded amount which had been deposited by respondent No.1 alongwith the objections filed by it before the Additional District Judge, Chandigarh. Such application is pending for the last over one year and, therefore, the petitioner has approached this Court through the present petition for the aforesaid relief.

Learned counsel for the petitioner has been heard.

After going through the interim orders passed by the Additional District Judge, Chandigarh, it is found that the petitioner's application filed by it under section 19 of the Act is pending for the last over one year and time and again the same has been unnecessarily adjourned. Every litigant has a right to seek speedy disposal of his/her case and since adjudication upon the petitioner's application is found to be unnecessarily delayed, the Additional District Judge, Chandigarh is directed to dispose of the same expeditiously but not later than two months from the date of receipt of a certified copy of this order, in accordance with law.

The present petition is allowed in the above terms.

If the respondents are aggrieved by this order, they are at liberty to approach this Court through an appropriate application.

08.05.2019
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No