

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-37069-2019

Date of Decision:-19.12.2019.

M/s Ess Ess Tecnofabs Pvt. Ltd.

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Sourabh Goel, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

SANJAY KUMAR, J. (Oral)

The grievance of the petitioner-company is that it made a reference of its dispute with the 4th respondent herein under the provisions of the Micro, Small and Medium Enterprises Development Act, 2006 (hereinafter 'the Act of 2006'), but necessary action is not being taken thereafter, in terms of the statutory scheme.

As this Court does not propose to go into the merits of the matter, it is not necessary either to put the 4th respondent on notice or afford it an opportunity of hearing.

The record reflects that the petitioner company filed its claim under the provisions of the aforesaid enactment and pursuant thereto, the Deputy Commissioner-cum-Chairman, Micro and Small Enterprises

Facilitation Council, SAS Nagar, issued a notice to the 4th respondent

calling upon it to submit its response within a time frame. This notice was issued on 05.04.2019.

In terms of Section 18 (5) of the Act of 2006, the Council is required to decide every reference made to it within 90 days from the date of making of such a reference. Given the temporal mandate stipulated in the statute itself, it is not open to the Council to sleep over the matter indefinitely.

The writ petition is accordingly disposed of directing the 3rd respondent to take necessary steps for disposal of the petitioner-Company's claim expeditiously and in any event, not later than 90 days from the date of receipt of a certified copy of this order, keeping in mind the time stipulation in Section 18 (5) of the Act of 2006.

No order as to costs.

(SANJAY KUMAR)
JUDGE

December 19, 2019.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.