

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.134 OF 2020

M/s.Kangaroo Transports	..	Petitioner
Vs.		
The Union of India through Ministry of Micro, Small and Medium Enterprises & Ors.	..	Respondents

**ALONG WITH
WRIT PETITION NO.136 OF 2020**

M/s.SJP Transport	..	Petitioner
Vs.		
The Union of India through Ministry of Micro, Small and Medium Enterprises & Ors.	..	Respondents

**ALONG WITH
WRIT PETITION NO.137 OF 2020**

M/s.KBS Transport Co.	..	Petitioner
Vs.		
The Union of India through Ministry of Micro, Small and Medium Enterprises & Ors.	..	Respondents

**ALONG WITH
WRIT PETITION NO.138 OF 2020**

M/s.M.G. Roadline	..	Petitioner
Vs.		
The Union of India through Ministry of Micro, Small and Medium Enterprises & Ors.	..	Respondents

**ALONG WITH
WRIT PETITION NO.140 OF 2020**

M/s.Pradeep Import Export	..	Petitioner
Vs.		
The Union of India through Ministry of Micro, Small and Medium Enterprises & Ors.	..	Respondents

**ALONG WITH
WRIT PETITION (ST.) NO.189 OF 2020**

M/s.Krish Trans Trade	..	Petitioner
Vs.		
The Union of India through Ministry of Micro, Small and Medium Enterprises & Ors.	..	Respondents

**ALONG WITH
WRIT PETITION (ST.) NO.194 OF 2020**

M/s.P.K. Enterprises	..	Petitioner
Vs.		
The Union of India through Ministry of Micro, Small and Medium Enterprises & Ors.	..	Respondents

**ALONG WITH
WRIT PETITION (ST.) NO.196 OF 2020**

M/s.Pardeep Singh	..	Petitioner
Vs.		
The Union of India through Ministry of Micro, Small and Medium Enterprises & Ors.	..	Respondents

**ALONG WITH
WRIT PETITION (ST.) NO.198 OF 2020**

M/s.Panama Transports	..	Petitioner
Vs.		
The Union of India through Ministry of Micro, Small and Medium Enterprises & Ors.	..	Respondents

Mr.Rupesh Geete i/by M/s.Parinam Law Associates for the petitioner in all writ petitions.
Mr.Suresh Kumar a/w N.D. Sharma for the respondent no.1-UOI in all writ petitions.
Ms.M.S.Srivastava-AGP a/w Mr.S.L. Babar-AGP, Ms.S.S. Bhende-AGP, Mr.R.S. Pawar-AGP and Mr.S.S. Panchpor-AGP for the respondent nos.2 & 3-State in all writ petitions.

**CORAM : R.D.DHANUKA &
ABHAYAHUJA, JJ.
DATE : 9th March 2020**

P.C.:

. The facts and the submissions in all these writ petitions are identical.

2. Rule. Mr.Suresh Kumar, learned counsel for the respondent no.1 waives service. Ms.Srivastav, AGP for the respondent nos.2 & 3 waives services. By consent of parties, all writ petitions are heard finally.

3. By these writ petitions, the petitioners have impugned the order dated 11th December 2019 and the communication dated 18th December 2019.

4. The petitioners were issued Status Certificates dated 10th October 2019 by the respondent no.3-Joint Director of Industries (MMR) certifying that the petitioners were engaged in “Land Transport and transport via Pipeline” and were Small Service Enterprises in terms of Micro, Small and Medium Enterprises Development Act, 2006. It was also certified that the Udyog Aadhar numbers which have been obtained by the petitioners through the portal of Development Commissioner (MSME), Government of India were valid so long as the unit is in operation.

5. By an order dated 11th December 2019, however, without issuing any show cause notice and without hearing the petitioners, Joint

Director of Industries (MMR) withdrew the status certificates issued by his office dated 10th October 2019 on the ground that office of the Development Commissioner (Micro, Small & Medium Enterprises), Government of India vide letter dated 3rd December 2019 had directed the Joint Director of Industries (MMR) to re-examine the certificates issued in the light of provisions contained in Notification No.S.O.1772(E) dated 5th October 2006 and to withdraw the certificates already issued as well as cancellation of the UAM till the correct original prices of the equipments are ascertained.

6. By letter dated 18th December 2019, the Joint Director of Industries (MMR) referred to the earlier orders passed by him and informed the petitioners about the directions issued by the Government of India and that the correct original prices of equipments (tankers) will have to be ascertained. The petitioners have been requested to submit copy of invoices and RC Books of all equipments (tankers) and originals thereof for verification within seven days from the date of receipt of the said notice.

7. The petitioners have impugned this order passed by Joint Director of Industries (MMR) in view of the admitted position that no hearing was rendered to the petitioners before withdrawing the status certificates issued in favour of the petitioners by the Joint Director of

Industries (MMR). We are thus inclined to set aside the said order dated 11th December 2019 and the communication dated 18th December 2019 on that ground and remand the matter back to the Joint Director of Industries (MMR) for passing fresh order in accordance with law after complying the principle of natural justice to the petitioners.

8. We therefore pass the following order :-

(i) The order dated 11th December 2019 and the communication dated 18th December 2019 passed by the Joint Director of Industries (MMR) are quashed and set aside.

(ii) The petitioners are directed to produce the documents referred in paragraph 4 of the communication dated 18th December 2019 and any other relevant documents which the petitioners feel necessary to be produced relating to the subject matter of these writ petitions before the Joint Director of Industries (MMR) within two weeks from today.

(iii) The respondent no.3- Joint Director of Industries (MMR) thereafter shall consider such documents that would be produced by the petitioners and the submissions that would be advanced and after hearing the petitioners shall pass a fresh order on the issue whether the Status Certificates dated 10th October 2019 issued by the Joint Director of Industries (MMR) in favour of the petitioners shall be continued or shall be withdrawn.

(iv) The respondent no.3-Joint Director of Industries (MMR) is directed

to pass an order in accordance with law and on its own merits without being influenced by the observations made and the conclusions drawn in the order dated 11th December 2019 and the communication dated 18th December 2019 within six weeks from the date of the petitioners filing such documents before the respondent no.3.

(v) The respondent no.3 shall issue seven days' advance notice to the petitioners for personal hearing.

(vi) It is made clear that if the documents are not filed by the petitioners within two weeks from today with the Joint Director of Industries (MMR), order passed by this Court setting aside the order dated 11th December 2019 and the communication dated 18th December 2019 to stand vacated without further reference to the Court.

(vii) If any adverse order is passed against the petitioners by the respondent no.3, the same shall not be enforced for a period of three weeks thereafter.

(viii) It is made clear that this Court has not expressed any views on merit of the matters. All the contentions of all the parties are kept open.

9. Rule is made absolute in aforesaid terms. This order will apply in all the aforesaid writ petitions. Parties to act on the authenticated copy of this order.

ABHAYAHUJA, J.

R.D.DHANUKA, J.