

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 23872 2018

and

W.M.P. No. 27827 of 2018

M/s.Suraj Precision Engineering Workers Pvt Ltd.,
Flat No. 3-A/26/13, 3rd Floor,
AUM Apartments,
No.26, Kothari Road,
Nungambakkam,
Chennai - 600 034.

.... Petitioner

-vs-

1. The Chairman,
Micro, Small, Medium Enterprises Facilitation Council,
Chennai Region,
Commissioner and Director of Industries,
and Commerce,
Guindy, Chennai - 600 032.

2. M/s. Karvin Auto Products,
No.26, Tass Avenue, SIDCO,
Ambattur,
Chennai - 600 098.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the First Respondent pertaining to order dated 09.05.2018 made in proceeding O.P. No. MSEFC/CR/48/2017 and quash the same and to direct the First Respondent to refer the claim dated 11.05.2017 to the claimant to arbitration in accordance with the provisions of Section 18 (3) of MSMED Act, 2006.

For Petitioner : Mr. R. Ravichandran

For Respondents: Mr. D. Sathyaraj,
Special Government Pleader (for R1)

Mr. Ramesh Umapathy (for R2)

O R D E R
(through video conference)

The Writ Petition has been filed challenging the order O.P. No. MSEFC/CR/48/2017 dated 09.05.2018 passed by the First Respondent and to direct the First Respondent to refer the claim dated 11.05.2017 of the claimant to arbitration in accordance with the provisions of Section 18(3) of the Micro, Small and Medium Enterprises Development Act, 2006.

2. This Court on the request of the Learned Counsel for both sides, by an order dated 12.02.2020 had referred the matter to the Mediation Centre attached to this Court to amicably resolve the disputes between the parties through mediation. The report of outcome of mediation dated 09.03.2020 has been filed. In the joint compromise memo dated 09.03.2020 signed by the Petitioner and the Second Respondent, that has been placed on record, sent along with that report, it has been stated as follows:-

"The above writ petition was referred to mediation and in the mediation parties to this joint compromise memo agreed to settle the issue amicably. As per the compromise arrived at between the parties the petitioner agreed to pay the fifty percent of the principal claim amount. Though the petitioner's defence is that the delivery challen produced by the 2nd respondent does not contain the required two seals to prove the delivery of goods, he has agreed to pay the fifty percent of the amount as gratitude payment taking note of the 2nd respondent's past service rendered to the petitioner. The 2nd respondent has received a Banker's Cheque bearing No. 093648 dated 05.03.2020 drawn at HDFC Bank, Nungambakkam, Chennai for a sum or Rs.1,91,723/- drawn in favour of the 2nd respondent and the 2nd respondent acknowledged the receipt of the same as full and final settlement."

It is confirmed by the Learned Counsel for both sides that the Second Respondent has received the aforesaid sum of Rs.1,91,723/- in full and final settlement of the claim made against the Petitioner. In view of the subsequent events, nothing remains for further consideration in this Writ Petition.

3. Accordingly, the Writ Petition is disposed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

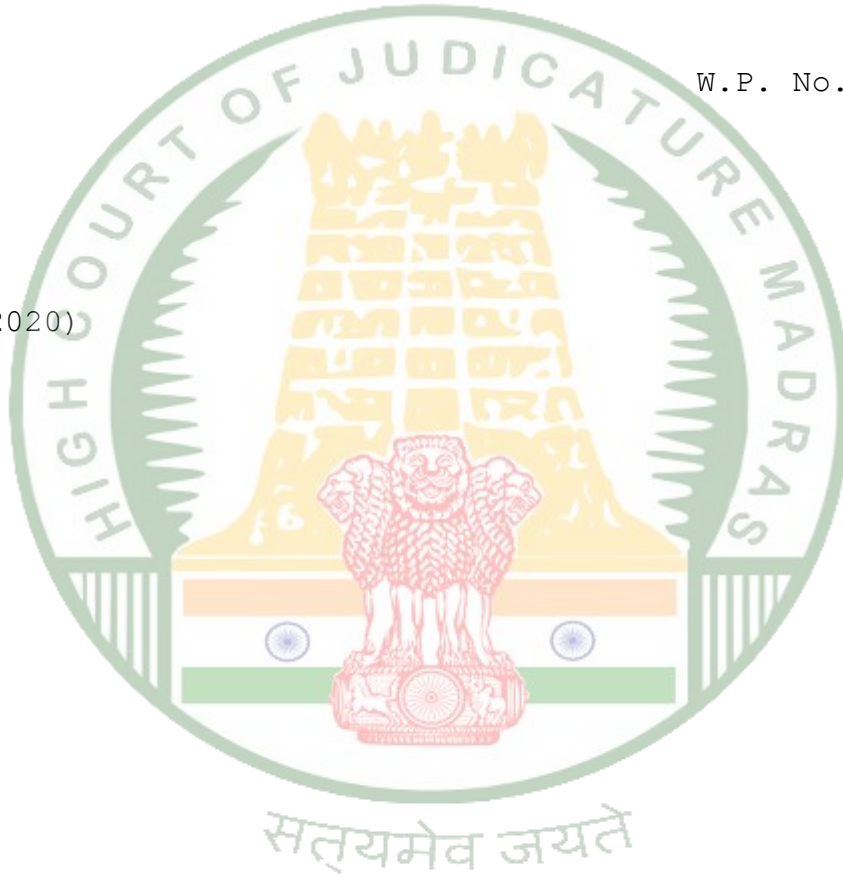
kv/vjt

To

The Chairman,
Micro, Small, Medium Enterprises Facilitation Council,
Chennai Region,
Commissioner and Director of Industries,
and Commerce,
Guindy, Chennai - 600 032.

W.P. No. 23872 2018

MG (CO)
GS (18/08/2020)



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