

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.11117 of 2020
Date of Decision :04.08.2020

M/s Quattrro Global Services Pvt. Ltd.

...Petitioner

Versus

State of Haryana and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Samiron Borkataky, Ms. Isha Jyoti Kumar and
Ms. Arjun Kundra, Advocates
for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

2. Prayer in the petition under Articles 226/227 of the Constitution of India, is for the issuance of a writ of Certiorari for setting aside order (Annexure P-3) dated 26.06.2020 referring case No.1445 of 2020 to the Arbitrator.

3. Learned counsel for the petitioner contends that the response of the petitioner to the reference under Section 18(1) of The Haryana Micro and Small & Medium Enterprises Development Act, 2006 (for short 'the Act') was not got examined and satisfaction recorded by Chairperson of the reference making a prima facie case of delayed payment before placing the matter before the Council for consideration in terms of Rule 4 (8) of the Haryana Micro and Small Enterprises Facilitation Council Rules, 2007 (for

4. Notice of motion to respondent Nos.1 to 3 only at this stage.
5. Mr. Sharan Sethi, Addl. AG, Haryana, accepts notice on behalf of respondent Nos.1 & 2, while Mr. Sourabh Goel, Advocate accepts notice on behalf of respondent No. 3 and puts in appearance on behalf of the respective respondents.
6. Learned Counsel have not controverted the position noted above. Learned Additional Advocate General on instructions from Shri Sanjay Rohilla, Assistant Director, office of Director of Industries, Haryana, and learned Counsel for respondent No.3 state that in the circumstances, they have no objection, if the impugned order is set aside and the matter remanded to the Chairperson of respondent No. 2 for fresh decision and thereafter for placing the matter before respondent No.2, for orders in accordance with law on consideration by the Chairperson of the reply / response of the petitioner to the reference u/s 18(1) of the Act and recording of satisfaction by the Chairperson under Rule 4(8) of the Rules as to whether the reference makes out a prima facie case of delayed payment.
7. In the light of the statement of learned counsel for the parties, the writ petition is ***allowed***. Order Annexure-P-3 dated 26.06.2020 is set aside. The matter is remanded to the Chairperson of respondent No. 2 for decision in terms of Rule 4(8) and thereafter if warranted for placing the matter before respondent No.2, for orders in accordance with law and follow up action as expeditiously as possible.

(B.S. Walia)
Judge

August 04, 2020
'Rajneesh-Amit'