

HIGH COURT OF CHHATTISGARH, BILASPURWPC No. 2441 of 2021

Candid Guard Services Pvt. Ltd. E/55, Sector 7, New Rajendra Nagar, Raipur , Chhattisgarh , 492001, Through Major Pravin Singh, Aged About 49 Years, S/o Late Shri S.P. Singh , E 55, Sector 7, New Rajendra Nagar, Raipur Chhattisgarh 492007 --- **Petitioner**

Versus

1. State of Chhattisgarh through the Secretary, Department of Commerce , And Industries , Mantralaya Sector 19, Kotara Bhantha, Naya Raipur Chhattisgarh. 492101
2. Micro and Small Enterprises Facilitation Council (MSEFC) Chhattisgarh through Directorate of Industries, Udyog Bhawan, Ring Road No. 1, Telibandha, Raipur Chhattisgarh Raipur, Chhattisgarh 492001.
3. Steel Authority of India Ltd, Manoharour Ore Mines, through its General Manager, Raw Material Division (Sail Rmd) Industry Home No. 10, Camac Street Kolkata 700017. --- **Respondents**

For the Petitioner	: Mr. Nirnay Gupta, Advocate
For the State	: Mr. Gagan Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.06.2021

1. Learned counsel for the petitioner submits that the petitioner is registered under the MSME Act, 2006. Since the petitioner was not paid certain amount of dues by the Central University of Jharkhand, Ranchi, as such, they approached the MSE Facilitation Council under section 18 of the Act. He submits that section 18 sub-section (5) mandates that any reference so made shall be decided within a period of 90 days from the date of making such reference. He would also submit that the petitioner made a reference on 21.08.2019 and till date the same is pending, therefore, the entire object

of the MSME Act, 2006 is defeated and respondent no.2 may be directed to decide the reference within a stipulated time.

2. A perusal of section 18 sub-section (5) of the Act, 2006 shows that it mandates that if the reference is made, it requires to be decided within a period of 90 days from the date of reference. It appears that the reference so made in August 2019 is still pending since then. Considering the prayer made and after perusal of Section 18(5) of the Act and further taking note of the facts prevailing as of now, it is directed that the Council shall decide the application preferred by the petitioner u/s 18(5) of the Act 2006 within a period of six months from the date of service of this order.
3. With the above observation, this writ petition stands disposed of.

Sd/-

**GOUTAM BHADURI
JUDGE**