

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-8710-2021

Date of decision: 22.04.2021

M/S Chopra House

...Petitioner

Versus

Micro and Small Facilitation Council, Ludhiana and Anr

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Prateek Sodhi, Advocate,
For the petitioner.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petition herein is under Article 226 of Constitution of India seeking issuance of a writ in the nature of certiorari to quash the impugned order dated 08.12.2020 (Annexure P-4) vide which respondent No.1 proceeded to terminate the conciliation proceedings and also foreclosed the right of the petitioner to file reply.

2. Respondent No.2 has filed a claim petition against the petitioner under Section 18 of Micro, Small and Medium Enterprises Development Act, 2006. Learned counsel for the petitioner submits that respondent No.2 has claimed that petitioner is liable to pay a sum of Rs.7,10,219/- along with interest of Rs.94,755/- to respondent No.1 on account of certain goods supplied to him. He further submits that after notice was issued in the abovesaid claim petition. Thereafter, case was adjourned for 28.04.2020. However, on account of Covid-19 pandemic, matter was not taken up for a considerable period of time. On 08.12.2020, case was taken up without any notice of the said date to the petitioner. While marking

absence of the petitioner, respondent No.1 proceeded to terminate the conciliation proceedings. He submits that on 07.01.2021, fresh notice was ordered to be issued. On 04.02.2021, case was simply adjourned to 18.02.2021. On 18.02.2021, counsel for the petitioner caused appearance by filing vakalatnama. The case was then adjourned to 30.03.2021. Petitioner on that date had though carried an application for rejection of claim petition to be filed on 30.03.2021, but the respondent No.1 refused to entertain the same. It was informed that the claim petition is now fixed for arguments on 22.01.2021. He submits that no effective opportunity has been afforded to the petitioner to even file its reply or raise objections qua the maintainability of the claim petition. Hence, the instant petition.

3. I have heard learned counsel for the petitioner and gone through the case file.

4. Claim petition, as aforesaid, is still pending for adjudication and fixed for arguments. No grounds at this stage are made out to interfere. Dismissed.

5. However, keeping in view the totality of circumstances, as enumerated above, the reply of the petitioner in response to the claim petition of respondent No.2, which is stated to be annexed herein as Annexure P-7, shall be taken on record of the pending claim petition proceedings, on or before the slated final arguments and contents thereof shall be considered in accordance with law.

April 22, 2021
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No