

1st July, 2022
(D/L No.43)
(SKB)

W.P.A. 8444 of 2022

S. S. Enterprise
Versus
Hindustan Petroleum
Corporation Limited and others

Mr. Sirsanya Bandopadhyay,
Ms. Deboleena Ghosh,
Mr. Rahul Kumar Singh,
Mr. Tapajit Das
... for the petitioner.

Mr. Nilotpall Chatterjee
... for the State/MSME.

Mr. Prasun Mukherjee,
Mr. Deepak Agarwal
... for H.P.C.L.

The parties are represented.

The petitioner is aggrieved by an order passed by the Oil Company on 17th September, 2021 which relies on an order passed by a learned Judge, who was a sitting Judge of this court at the time when the order was passed i.e. 12th December, 2019 in W.P.23176(W) of 2019.

According to learned counsel appearing for the petitioner, the said order cease to have any effect after an order was passed by a Division Bench in an appeal filed by the Oil Company from batch of a similar matters. The order of the Division Bench was 24th August, 2020. By the said order, the Division Bench

dealt with the mode in which the enquiry is to be conducted by the District Industries Centre (DIC) on all the veracity of the details and particulars furnished by an enterprise who seeks recognition of its status as MSME. The Division Bench directed that after conducting such exercise, the relevant DIC will call upon the writ petitioner to either amend its memorandum or cancel its memorandum or require that no steps are necessary to be taken in respect of the memorandum. It was further directed that a written communication must be issued by the relevant DIC to the entity seeking the status of MSME.

In the present case, the impugned communication of 17th September, 2021 refers to the order passed by a learned Single Judge dated 12th December, 2019, according to which the Oil Company would require a certificate to be given in the format recommended by the Oil Company. Since the Division Bench makes it clear that the format of the Oil Company will not be the deciding factor and the petitioner/MSME can give the certificate according to its any specifications subject to the directions of the Division Bench, the impugned notice loses relevance and the petitioner is not required to comply with the directions contained in the notice. It may be noted that the Oil Company before this court

was also a party before the appeal court, which passed the order dated 24th August, 2020.

W.P.A.8444 of 2022 is accordingly disposed of with liberty to the petitioner to take appropriate steps in accordance with the directions given by the appeal court on 24th August, 2020 in MAT 488 of 2020.

Re: CAN 146 of 2020

Since learned counsel appearing for the MSME Authority/State submits that nothing further remains to be decided in the recalling application filed by the MSME from the order of the learned Single Judge dated 12th December, 2019, CAN 126 of 2020, being the recalling application; is treated as on the day's list and is disposed of on the basis of the above order.

(Moushumi Bhattacharya, J.)