

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.30400 OF 2022

M/s. Sai Shiv Construction Pvt. Ltd. ***Petitioner(s)***
Mr.J.P.Behera,Adv.

-versus-

State of Odisha and others ***Opposite Party(s)***
Mr.U.K.Sahoo,ASC

CORAM:
JUSTICE BISWANATH RATH

ORDER
29.11.2022

Order No.

02.

1. Heard learned counsel for the Parties.
2. Filing the Writ Petition it is claimed proceeding initiated involving Annexure-11 is resisted by the Petitioner being the Opposite Party to such proceeding on the premises that the Petitioner establishment therein on the sole premises that the claimant herein was not registered under the MS&MED Act at the time of supply of goods nor prior to the acceptance of the purchase order of the goods. The proceeding further is also objected on the premises that only to avoid complication, the Petitioner therein Opposite Party No.4 herein got registered on 20.07.2021 through online portal.
3. Taking this Court to the provision at Section 8 of the Act reading through the provision therein, learned counsel for the Petitioner attempted to submit that establishment having pre-registration prior to the coming effect of the Act, 2006 cannot be governed under the Act. In the circumstance, Petitioner seeks quashing of the order at Annexure-11.

4. Considering the submission of the learned counsel for the Petitioner and looking to the provision at Section 8 of the MS & MED Act, 2006 from proviso (a) therein to Section 8, this Court finds, small scale industry in obtaining a registration certificate can be subjected involving the proceeding under the Act, 2006. Further looking to the impugned order, this Court also finds, the authority undertaking the proceeding has also recorded that the Petitioner therein is a registered unit having PMT No.1511011416PMTSSI dated 27.11.1979. For the clear finding therein on the proceeding entertainable, this Court finds no infirmity in the impugned order to be interfered.

5. With this observation, the Writ Petition stands disposed of.

(Biswanath Rath)
Judge

Swarna

