

Ashwini

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1388 OF 2022

Pizer Ltd Mumbai ...Petitioner
Versus
Micro And Small Enterprises Facilitation Council ...Respondents
Through Joint Director of Industries & Anr

Mr Janak Dwarkadas, Senior Advocate, with Sharan Jagtiani,
Kunal Dwarkadas, Rahul Dwarkadas, Neveille Mukerji &
Rohini Jaishwal, i/b Veritas Legal, for the Petitioner.
Mr Yuvraj Narwankar, for Respondent No. 2.

CORAM G.S. Patel &
Madhav J. Jamdar, JJ.
DATED: 14th February 2022

ASHWINI
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1. Between the Petitioner and the 2nd Respondent, there is a proceeding before the Micro and Small Enterprises Facilitation Council. In that proceeding, the Petitioner has raised a question of jurisdiction. Both sides have filed their respective pleadings. Arguments have been advanced before the Council. It seems that without a formal order deciding the question of jurisdiction, the Council has indicated that it will proceed with the main matter further.

2. This is impermissible. Whenever a question of jurisdiction is raised, it must be decided at the forefront.

3. We dispose of the Petition with a direction to the MSE Facilitation Council to decide the application by the Petitioner on the question of jurisdiction by a reasoned order before proceeding with any other claim or matter before it between the parties. If that decision on jurisdiction is against the Petitioner, the Council will not proceed further in the main matter before it for a period of one week after that order is served on the Petitioners or their Advocates.

4. As a necessary consequence, the notices at 'Exhibit A' will have to be held in abeyance in the period mentioned above.

5. The Petition is disposed of with these terms.

6. We have expressed no opinion on the merits of the controversy between the parties. All contentions are expressly kept open.

7. All concerned will act on production of a digitally signed copy of this order.

(Madhav J. Jamdar, J)

(G. S. Patel, J)