

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6393 OF 2022

Hindustan Farmdirect Ingredients Pvt. Ltd.
Through Its Managing Director Mr. Punit Moudgil .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

Mr. Shreeyash Lalit i/b Mr. Pandit Kasar, Advocate for the Petitioner.
Mrs. M. P. Thakur, AGP for the Respondent-State.

**CORAM : S. V. GANGAPURWALA AND
DHIRAJ SINGH THAKUR, JJ.**

DATE : 15th JUNE, 2022.

P.C:

. We have heard the learned Counsel for the Petitioner.

2. The learned Counsel submits that the agreement between the Petitioner and Respondent No. 3 is entered into on 22nd August, 2020. Respondent No. 3 registered itself as Micro Small and Medium Enterprises on 10th October 2020. The provisions of the Micro Small and Medium Enterprises Development Act, 2006 would not be applicable in the present matter as Respondent No. 3 has registered as Micro Small and Medium Enterprises subsequent to the agreement between the Petitioner and Respondent No. 3. To buttress his submission, the learned Counsel relied on the Judgment of the Apex Court in the case of ***Vaishno Enterprises V/***

s. *Hamilton Medical AG and Another*¹. The learned Counsel submits that the notice has been issued under Section 18 of the Micro Small and Medium Enterprises Development Act, 2006 (for short “MSME Act”) to the Petitioner. In fact the said proceedings not maintainable.

3. The learned Counsel further submits that pursuant to the said notice the Petitioner has appeared before the authority and has filed his written statement. The learned Counsel submits that as a position of law is clear, the proceedings before the authority under Section 18 of the MSME Act of 2006 are not maintainable.

4. The Petitioner has already appeared pursuant to the notice under Section 18 of the MSME Act of 2006 before the authority. The Petitioner also filed his written statement raising all these objections. Naturally the authority is required to consider the objection put forth by the Petitioner. As the Petitioner has already raised objection before the authority, the Petitioner may raise all the contentions before the authority including maintainability of the proceedings which authority is bound to consider the same before proceeding further.

5. With the aforesaid observation, the writ petition is disposed of. No costs.

(DHIRAJ SINGH THAKUR, J.)

(S. V. GANGAPURWALA, J.)

¹ 2022 SCC OnLine SC 355.