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WP.No.34220 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.34220 of 2022 & W.M.P.No.33665 of 2022

Ravi Associates

Rep. by its Proprietor Mr.B.Ravikumar,
No.41, Flowers Road, Jaganatha Nagar,
Arumbakkam, Chennai – 600 106.

... Petitioner

Vs

1. The Micro Small Enterprises,
Facilitation Council, Chennai Region,
Tamil Nady rep. by its Chairperson
MSE Facilitation Council, Chennai /
Industries Commissioner and Director of Industries
and Commerce, Guindy, Chennai – 600 032.

2. M/s.Vatech Wabag Ltd.,
Rep. by its Project Manager Mr.A.Devanand,
No.17, 200 Feet Radial Road, Sunnabmbu Kolathur,
[Near Kamatchi Hospital, Chennai – 600 107. ... Respondents

Prayer:- Writ Petition filed under the Article 226 of Constitution of India,
to issue a Writ of Certiorarified Mandamus to call for the records of the
first respondent relating to the proceedings bearing No.MSEFC / CR / 157 /
2020 Online Application No: TN 02A 0135437 / M / 00002 dated
25.06.2021 and quash the same and to direct the first respondent to restore



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the application dated 18.05.2010 pending before the first respondent for further adjudication.

Petitioner : Mr.K.Elangoo

Respondents : Mrs.R.Anitha
Special Government Pleader – R1

ORDER

This Writ Petition has been filed to quash the proceedings of the first respondent dated 25.06.2021 and to direct the first respondent to restore the application dated 18.05.2010 pending before the first respondent for further adjudication.

2. The main contention of the learned counsel appearing for the petitioner is that during the proceedings, Council sent an email dated 25.06.2021 to the petitioner indicating that the meeting scheduled on that particular date has been adjourned to next date. However, an Order has been passed as if on 25.06.2021, the meeting was convened through video conferencing and the petitioner was represented by one Ramanathan and



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the respondent is absent and that the petitioner has already sent a letter stating that the amount was settled and requested to withdraw the case. By recording the same, the entire case has been disposed of as settled and withdrawn. It is the contention of the learned counsel appearing for the petitioner that when the Council itself has adjourned the matter by sending an email, the presence of the petitioner through one Ramanathan is highly doubtful and no such happening took place and submitted that the entire Order suffers from some fraudulent act.

3. Mrs.R.Anitha, learned Special Government Pleader takes notice for the first respondent and she had admitted that the hearing has been adjourned and an email has also been sent by the Council on the same day. However, she submitted that the Order has been passed as if there was a meeting and submitted that matter may be remanded to the Council for fresh consideration.

4. This Court also perused entire materials available on record. Admittedly, there is huge due payable by the respondents. A part of the amount is said to have been paid as per the said Order. When the Council



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itself has adjourned the matter and an intimation has also been sent to the petitioner through an email, this Court is unable to comprehend as to how the hearing took place on the same day. According to the petitioner, he was never represented by the said Ramanathan and he is no way connected with him and no such letter has been given by the petitioner. In such view of the matter, this matter requires detailed investigation.

5. Accordingly, the Order passed by the first respondent dated 25.06.2021 is set aside and the matter is remanded back to the first respondent for fresh consideration by giving an opportunity to the petitioner as well as the second respondent and proceed further according to law.

6. With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

22.12.2022

vrc



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The Micro Small Enterprises,
Facilitation Council, Chennai Region,
Tamil Nady rep. by its Chairperson
MSE Facilitation Council, Chennai /
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N.SATHISH KUMAR, J.

VTC

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