



W.P. (MD) No. 21216 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2022

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. (MD) No. 21216 of 2017

and

W.M.P. (MD) Nos. 17493 and 17494 of 2022

M/s. Futura Polysters,
Rep. by its Authorised Signatory,
Mr. Prakash B.Kansara,
B/22, T.V. Industrial Estate,
S.K.Ahire Marg, Worli,
Mumbai – 400 018.

... Petitioner

Vs.

1.The Regional Micro & Small Enterprises,
Facilitation Council,
Madurai Region.

2.M/s. M.S.P. SAW MILLS,
Rep. by its Proprietor, R.Siva Sankar,
S.F.N. Road, 930/2B1,
Ayyan Palayam Road,
Patti Veeran Patti (P.O),
Dindigul – 624 211.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Certiorarified Mandamus, calling for the records pertaining to order dated 31.01.2017 passed by the 1st respondent in Case No. O.P.2 MSEFC /2016-17 and



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quash the same.

For Petitioner : Mr. C.Muthu Saravanan

For Respondents : Mr. N.Dilip Kumar,
Standing Counsel (for R1)

Mr. C.Gangai Amaran (for R2)

ORDER

Heard Mr. C.Muthu Saravanan, Learned Counsel for the Petitioner, Mr. N.Dilip Kumar, Learned Standing Counsel appearing for the First Respondent and Mr. C.Gangai Amaran, Learned Counsel for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Second Respondent made a claim in Case No. O.P.2/MSEFC/ 2016-17 before the First Respondent under Section 18 of the Micro, Small and Medium Enterprises Development Act, 2006 (hereinafter referred to as 'the MSMED Act' for short), claiming payment of Rs. 7,17,255/- from the Petitioner towards the value of the goods supplied with interest calculated in terms of that Act, in which an order dated 31.01.2017 was passed holding that the Petitioner was liable to pay



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the principal amount of Rs. 7,17,255/- together with interest within one month from the date of receipt of that order.

3. Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition and he has made an endorsement to that effect in the court record. It is made clear that for the purpose of computation of limitation for execution of the impugned order by the Second Respondent, the period from the date of filing of the Writ Petition, viz., 14.11.2017, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded.

In fine, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. Consequently, the connected Miscellaneous Petitions are closed.
No costs.

20.12.2022

sj

Index: Yes/No

Note: Issue order copy by 30.01.2023



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P.D. AUDIKESAVALU, J.

sj

To

1. The Chairman,
Regional Micro & Small Enterprises Facilitation Council,
Madurai Region.

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Dated : 20.12.2022