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W.P. No. 24410 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

CORAM

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

**W.P. No. 24410 of 2023
and
W.M.P. No. 23840 of 2023**

Classik Plasto Packagings,
Represented by its Managing Partner,
P.Sujatha,
Plot No. B-3, Industrial Estate,
Thattanchavady,
Puducherry.

... Petitioner

-VS-

1. The Chairperson,
MSE Facilitation Council,
Tiruchirappalli Region/Industries Commissioner
and Director of Industries and Commerce,
Guindy,
Chennai – 600 032.
2. M/s. Maruthi Polybags Private Limited,
Represented by its Managing Director, N.Renganathan,
No. 10 & 11C, SIPCOT Industrial Complex,
Pudukottai – 622 002.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned award dated 30.12.2022 vide No. MSEFC/TRY/18/2022 (Online Application No. UDYAM – TN-17-0009515/S/00010) by the First Respondent and quash the same as being contrary to law



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and decision of the Hon'ble Supreme Court of India, as such arbitrary, highhanded, illegal, without jurisdiction and consequently direct the First Respondent to refer the issue, before the competent Arbitrator for a fresh arbitration.

For Petitioner : Mr. V.P.Chamuraj

For Respondents : Mr. E.Veda Bagath Singh,
Special Government Pleader (for R1)

Dr. G.Babu (for R2)

ORDER

Heard Mr. V.P.Chamuraj, Learned Counsel for the Petitioner, Mr. E.Veda Bagath Singh, Learned Special Government Pleader appearing for the First Respondent and Dr. G.Babu, Learned Counsel for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. When it was pointed out that the Petitioner cannot invoke the discretionary jurisdiction of this Court under Article 226 of the Constitution to challenge the order dated 30.12.2022 in Case No. MSEFC/TRY/18/2022 passed by the First Respondent under Section 18 of the Micro, Small and



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Medium Enterprises Development Act, 2006, in view of the effective alternative remedy available under Section 34 of the Arbitration and Conciliation Act, 1996, before the jurisdictional Court as held by the Hon'ble Supreme Court of India in *India Glycols Limited -vs- Micro and Small Enterprises Facilitation Council, Medchal-Malkajgiri* (Order dated 06.11.2023 in Civil Appeal No. 7491 of 2023), Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition with liberty to resort to the aforesaid procedure, and he has made an endorsement to that effect in the court record.

In such circumstances, the Writ Petition is dismissed as withdrawn granting such liberty. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petition, viz., 27.04.2023, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 31.01.2024.

vjt



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To

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The Chairperson,
MSE Facilitation Council,
Tiruchirappalli Region/Industries Commissioner
and Director of Industries and Commerce,
Guindy,
Chennai – 600 032.



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P.D. AUDIKESAVALU, J.

vjt

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