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W.P. No. 39342 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

CORAM

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

**W.P. No. 39342 of 2016
and
W.M.P. No. 33667 of 2016**

M/s. Sindhu Granites,
Represented by its Proprietor, P.K.Selvaraj,
No. 635, 5th Street,
K.K.Nagar,
Madurai – 625 020.

... Petitioner

-VS-

1. The Chairman,
M & SE Facilitation Council & Additional Chief Secretary/
Industries Commissioner and Director of Industries and Commerce,
Chennai – 600 032.

2. M/s. Technology Diamon Tools India Pvt. Ltd.,
Unit – II, 100% EOU, Block II, Sy. No. 97/2A, 2A,
Devaganapalli Village,
Near Madhagondapalli Educational Centre,
Thally Road,
Denkanikottai Taluk,
Krishnagiri District – 635 114.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records on the file of the First Respondent in Case No. M&SEFC/CBER/3/2016 dated 14.07.2016 and quash the same as being without jurisdiction and authority of law and contrary to the principles of natural justice.



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For Petitioner : Mr. S.Naganathan

For Respondents : Mr. U.Baranidharan,
Additional Government Pleader (for R1)

No appearance (for R2)

ORDER

Heard Mr. S.Naganathan, Learned Counsel for the Petitioner and Mr. U.Baranidharan, Learned Additional Government Pleader appearing for the First 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 14.07.2016 in Case No. M&SEFC/CBER/3/2016 passed by the First Respondent under Section 18 of the Micro, Small and 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*



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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., 03.11.2016, 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.

11.12.2023

Index: Yes/No

NCC: Yes/No

Note: (i) Issue order copy by 31.01.2024.

(ii) Registry is directed to return the impugned order under written acknowledgment after retaining a copy of the same for record.

vjt



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To

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The Chairman,
M & SE Facilitation Council & Additional Chief Secretary/
Industries Commissioner and Director of Industries and Commerce,
Chennai – 600 032.



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P.D. AUDIKESAVALU, J.

vjt

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