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W.P. No. 29124 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2023

CORAM

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

W.P. No. 29124 of 2023

and

W.M.P. No. 28724 of 2023

PR Engineers and Contractors,
Represented by Managing Partner V.Yuvaraj,
Having Office at No. 75, Ettiyappan Street,
Golden George Nagar,
107, Nerkundram,
Koyembedu,
Chennai – 600 107.

... Petitioner

-VS-

1. The Secretary,
MSE Facilitation Council,
Regional Joint Director of Industries and Commerce,
Guindy,
Chennai – 600 032.

2. M/s. Pamdaja Systems and Services Pvt. Ltd.,
71-C, New Avadi Road,
Kilpauk,
Chennai – 600 010.

... 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 of the First Respondent in proceedings bearing MSEFC/CR/22/2022 dated 11.08.2022 and quash the same.



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For Petitioner : Mr. K.Venkateswaran
For Respondents : Mr. S.J.Mohamed Sathik,
Government Advocate (for R1)
Mr. R.Subramaniam (for R2)

ORDER

Heard Mr. K.Venkateswaran, Learned Counsel for the Petitioner, Mr. S.J.Mohamed Sathik, Learned Government Advocate appearing for the First Respondent and Mr. R.Subramaniam, Learned Counsel, who takes notice 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 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In such circumstances, the Writ Petition is dismissed as withdrawn granting such liberty.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., 07.09.2023, 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.

27.11.2023

Index: Yes/No

NCC: Yes/No

Note: (i) Issue order copy by 31.01.2024.

(ii) Registry is directed to return the original copy of 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 Secretary,
MSE Facilitation Council,
Regional Joint Director of Industries and Commerce,
Guindy,
Chennai – 600 032.



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P.D. AUDIKESAVALU, J.

vjt

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27.11.2023