



WEB COPY



W.P. No. 27136 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2023

CORAM

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

W.P. No. 27136 of 2023

and

W.M.P. No. 26582 of 2023

R.J.Ravindranath alias Ravi Kapoor
Proprietor
R.K.L. Printers
No.8, Vallabha Agraharam Street
Triplicane, Chennai – 600005.

Corresponding Address at
New No.182/183 (Old No.135/136
New Anna Salai, Chennai-600002
(Next to Raheja Towers)

... Petitioner

-VS-

1. The Micro Small Enterprises Facilitation Council
Chennai Region
Rep. By its Chairperson
Guindy, Chennai – 600 032.
2. Srikals Graphics Pvt. Ltd.
Rep. By its Managing Director & Authorised Signatory
Mr. S.Kalyanasundaram
3. S.Kalyanasundaram
Rep. By its Managing Director & Authorised Signatory
Srikals Graphics Pvt. Ltd.
4. Ramyashrii Sridharan
Director
Srikals Graphics Pvt. Ltd.



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5. Balaji Sundaram Kalyana
Director
Srikals Graphics Pvt. Ltd.

Address Nos. 2 to 5 having registered office at
19/6, III Main Road, Gandhi Nagar
Adyar, Chennai – 600020.

Also at No.A-27, SIDCO Industrial Estate
No. A-27, SIDCO Industrial Estate
Guindy, Chennai – 600 032.

6. Union of India
Rep. By its Secretary to Government
Ministry of Micro, Small and Medium Enterprises
Udyog Bhawan, Rafi Marg
New Delhi – 110011.

[R6 - *suo motu* impleaded as per order dated 04.10.2023
made in W.M.P. No. 27136 of 2023 in W.P. No. 26582
of 2023 by PDAJ]

... 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 Micro and Small Enterprises facilitation council to follow due procedure and pass orders afresh on merits.

For Petitioner : Mr. Taran Kumar
For Mr. Sudheer Ram

For Respondents : Mr. U.Baranidharan, AGP (R1)
Mr. R.Rajesh Vivekananthan, DSGI (R6)

ORDER

Heard Mr. Taran Kumar, Learned Counsel for the Petitioner and
Mr. U.Baranidharan, Learned Additional Government Pleader appearing for the



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First Respondent and Mr. R.Rajesh Vivekananthan, Learned Deputy Solicitor

General of India appearing for the Sixth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. 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, which is challenged in this Writ Petition, is evidently an arbitral award in terms of Section 2(4) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to a 'A & C Act' for short), against which an application for setting it aside could be made before the jurisdictional civil court under Section 34 of the A & C Act as held by the Hon'ble Supreme Court of India in the decision 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). In view of the aforesaid legal position, 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.

3. In such circumstances, the Writ Petition is dismissed as withdrawn granting such liberty. It is made clear that for the purpose of reckoning



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limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petition, viz., 11.09.2023, 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.

17.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 04.03.2023.

Maya/gsa

To

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Rep. By its Chairperson
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6. The Secretary to Government
Ministry of Micro, Small and Medium Enterprises
Udyog Bhawan, Rafi Marg
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P.D. AUDIKESAVALU, J.

Maya/gsa

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