



WEB COPY



W.P. No. 17650 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2023

CORAM

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

**W.P. No. 17650 of 2017
and
W.M.P. No. 19149 of 2017
and
W.M.P. No. 31627 of 2017**

M/s. Punj Lloyd Ltd.
Rep. By its Deputy Manager Mr. Anjani Kumar
Corporate Office I
No.78, Institutional Area
Sector 32, Gurgaon – 122001.

... Petitioner

-VS-

1. The Micro, Small and Medium Enterprises
Facilitation Council, Chennai Region
Rep. By its Zonal Officer
Regional Joint Director of Industries & Commerce
Guindy, Chennai – 600032.

2. M/s. Satyam Dewatering System
Rep. By its General Manager Mr. Ankit Mathur
Old No.4, New No.14, Maclean Street
1st Floor, Shop No.F-5
Lodghar Manzil, Broadway
Chennai – 600 001.

Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India,
2050, praying to issue a Writ of Certiorarified Mandamus, to call for the records



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of the First Respondent dated 19.10.2016 passed in O.D.

WEB No.MSEFC/CR/35/2015 and quash the same.

For Petitioner : Mr. R.Bhagawat Krishnan
for Mr. V.S.Senthilkumar

For Respondents : Mr. S.Yashwanth (for R1)
Mr. R.Murali (for R2)

ORDER

Heard Mr. R.Bhagawat Krishnan, Learned Counsel appearing for the Petitioner, Mr. S.Yashwanth, Learned Counsel for the First Respondent and Mr. R.Murali, Learned Counsel for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Second Respondent had made a claim in O.P. No. MSEFC/CR/35/2015 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 payments towards the amount due for the works carried out with interest calculated in terms of that Act, in which an order dated 19.10.2016 was passed holding that the Petitioner was liable to pay the principal sum of Rs. 52,17,223/- together with interest with monthly rests at



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three times of the Bank rate notified by the Reserve Bank of India as stipulated in the MSMED Act from the appointed due dates respectively till payment, which is assailed in this Writ Petition.

3. Learned Counsel appearing for the Petitioner, on instructions, states that in respect of the Company of the Petitioner, order of liquidation in order dated 27.05.2022 in CP (IB) No. 731(PB)/2018 has been passed by the National Company Law Tribunal, Principal Bench, New Delhi and its copy has been produced, which is placed on record. In view of the same, he submits that the Company of the Petitioner cannot be represented by its Managing Director and he has made an endorsement to that effect in the court record.

4. In such circumstances, there does not appear to be any useful purpose being served in keeping the Writ Petition pending indefinitely when the Petitioner cannot prosecute the matter. Further the order of interim stay granted on 12.07.2017 at the time of admission shall stand vacated with immediate effect. However, it would not preclude the liquidator appointed to administer the affairs of the Company from applying for revival of the Writ Petition in accordance with law.



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In the result, the Writ Petition is dismissed with the aforesaid clarifications. Consequently, the connected Miscellaneous Petitions are closed.

No costs.

30.10.2023

Maya

NCS : Yes/No

Index: Yes/No

Note: Issue order copy by 31.01.2024.

To

1. The Micro, Small and Medium Enterprises,
Facilitation Council, Chennai Region,
Rep. By its Zonal Officer,
Regional Joint Director of Industries & Commerce,
Guindy, Chennai – 600032.
2. M/s. Satyam Dewatering System,
Rep. By its General Manager Mr. Ankit Mathur,
Old No.4, New No.14, Maclean Street,
1st Floor, Shop No.F-5,
Lodghar Manzhil, Broadway,
Chennai – 600 001.

Copy to

Mr. Ashwini Mehra,
Liquidator,
M/s. Punj Lloyd Ltd.,
Corporate Office I,
No.78, Institutional Area,
Sector 32, Gurgaon – 122001.



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P.D. AUDIKESAVALU, J.

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