



A.No.6054 of 2023

Application No.6054 of 2023
in O.P.No.374 of 2010

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C.SARAVANAN, J.

Today when this matter is taken up for hearing, there is no representation on behalf of the respondent.

2.An Award came to be passed by the Micro Small Enterprises Facilitation Council, Chennai Region under the Chairmanship of Industries Commissioner and Director of Industries and Commerce, Chennai – 600 005 on 17.11.2008. Relevant portion of the order dated 17.11.2008 reads as under:-

“In the council meeting held on 17.11.2008, the petitioner Thiru S.Anbu, Proprietor and Thiru K.Seetharam, Counsel of the respondent company have appeared for the hearing. Since the respondent company has not followed the orders of the Chairman of the council as directed during the 4th hearing held on 22.10.2008 to pay 50% of the payment dues to the petitioner before next hearing. Hence upholding the claim and orders passed for payment with interest due.

The respondent company liable to pay a sum of Rs.2,32,675/- to the petitioner along with compound interest with monthly rests to the



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Petitioner on that amount from the appointed day or, as the case may be from the date immediately following the date agreed upon, at three times of the bank rate notified by the Reserve Bank of India (* i.e., the day following immediately after the expiry of 15 days from the acceptance of the goods or the day of deemed acceptance) to till the date of payment, within 30 days from the date of receipt of this order.”*

3.The respondent had filed the above OP against the aforesaid award. At the time of admission of OP, the respondent (petitioner in O.P.No.374 of 2010) had pre-deposited the amounts in terms of Section 17/18 of the Micro, Small and Medium Enterprises Development Act, 2006.

4.O.P.No.374 of 2010 itself came to be dismissed on 17.07.2018 for non-prosecution by this Court. Under these circumstances, the applicant / 2nd respondent in O.P.No.374 of 2010 has filed this application for payment out of a sum of Rs.1,74,506.25 (Rupees One Lakh Seventy Four Thousand Five Hundred and Six and Paise Twenty Five Only) which is standing in the credit of O.P.No.374 of 2010. The aforementioned amount bears no interest as per the communication of this Court dated 21.07.2023.



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5.Considering the above, Court is inclined to order payment out and allow this application. Accordingly, Application No.6054 of 2023 stands allowed. Registry is directed to process the payment and release the payment to the applicant.

20.11.2023

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