



C.R.P.(MD)No.3376 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.3376 of 2023

M/s.Forestree India Pvt Ltd.,
2/1B, Tanjore Main Road,
Ariyamangalam,
Tiruchirappalli – 620010
represented by its Authorized Person
E.Chandrasekar

... Petitioner/
Petitioner

Vs.

Sharp Ply (India) Pvt Ltd.,
114/14, 1st Main Road,
P.P.Industrial Estate,
Deep Anjali Nagar,
Mysore Road,
Bangalore – 560026.

... Respondent/
Respondent

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the impugned order passed by the Principal District Judge, Tiruchirappalli dated 07.10.2023 in EP.SR.No. 4852 of 2023 in MSEFC/TRY/24/2022 judgment passed by MSEFC



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Council, Trichy and please to direct the court to take the execution petition in EP.SR.No.4852 of 2023 to file by allowing this Civil Revision Petition.

For Petitioner : Mr.R.S.Sivaram

ORDER

The Civil Revision Petition is directed against the order of return made in EP.SR.No.4852 of 2023 dated 07.10.2023 on the file of the Principal District Court, Tiruchirappalli.

2. The revision petitioner has laid the execution petition for implement of the award passed by the Micro and Small Enterprises Facilitation Council, Tiruchirappalli Region, in MSEFC/TRY/24/2022 dated 26.10.2022. The learned Principal District Judge has returned the petition raising a query questioning the maintainability of the petition. The revision petitioner has re-presented the petition and as per the request made, the petition was taken up in the open Court and after hearing the arguments of the revision petitioner's side, the Court has passed the impugned order rejecting the petition.



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3. The trial Court by mainly observing that there was no provision under Sections 65 to 81 of the Arbitration and Conciliation Act to show that the order passed by the MSMED authorities would amount to award, has rejected the petition. But as rightly pointed out by the learned counsel appearing for the revision petitioner, Section 18(3) of the Micro, Small and Medium Enterprises Development Act contemplates that where the conciliation initiated under sub-section (2) is not successful and stands terminated without any settlement between the parties, the Council shall either itself take up the dispute for arbitration or refer to it any institution or centre providing alternate dispute resolution services for such arbitration and the provisions of the Arbitration and Conciliation Act, 1996 shall then apply to the dispute as if the arbitration was in pursuance of an arbitration agreement referred to in sub-section (1) of section 7 of the said Act. In the present case, as rightly pointed out by the learned counsel appearing for the revision petitioner, since there was no settlement, they have taken up by themselves as per the provision and passed the award dated 26.10.2022. Hence, the rejection order is not in accordance with law and the same is liable to be set aside.



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4. In the result, this Civil Revision Petition is allowed and the learned Principal District Judge, Tiruchirappalli, is hereby directed to take the petition on file, if it is otherwise in order and proceed in accordance with law. No costs.

22.12.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

Note : Registry is directed to return the original papers to the revision petitioner, after getting necessary acknowledgments.

To

1. The Principal District Court,
Tiruchirappalli.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
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Dated : 22.12.2023