

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-14227-2023
Date of Decision: 07.07.2023

GENERAL MANAGER TELECOM BHARAT
SANCHAR NIGAM LTD

... Petitioner

VERSUS

THE MICRO AND SMALL ENTERPRISES
FACILITATION COUNCIL AND ANR

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Rajesh Gupta, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The challenge raised in the present petition is to the Award dated 06.01.2023 (Annexure P-6) passed in case No.BTI-64 by respondent No.1-Micro and Small Enterprises Facilitation Council whereby the petitioner department was directed to make a payment of Rs.21,11,877.90/- on account of interest on delayed payments.

Primarily the challenge raised to the aforesaid Award passed by the Micro and Small Enterprises Facilitation Council was for the reasons that the conciliation proceedings under Section 18(2) of the Micro Small and Medium Enterprises Development Act, 2006 had not taken place. However, the record reflects to the contrary and it has been recorded in the aforesaid Award that conciliation proceedings were initiated and that the counsel representing the respective parties got recorded their statement to the effect that the conciliation is not possible. Consequently, the matter was adjudicated under Section 18(3) of the Micro Small and Medium Enterprises Development Act, 2006.

Learned Counsel for the petitioner is not in a position to controvert the fact that alternative efficacious remedy is available to him under Section 19 of the Micro Small and Medium Enterprises Development Act, 2006 and that the other writ petitions filed by BSNL including the CWP No.8814 of 2022 have already been dismissed while granting liberty to the petitioners therein to take recourse to the alternative efficacious remedy available to them as per law.

Faced with the above, learned counsel for the petitioner does not intend to press the present petition at this stage and seeks permission to take recourse to the alternative remedies available as per law.

Disposed of as not pressed with the liberty as aforesaid.

JULY 07, 2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No