

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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Reserved on:10.05.2023**Date of Decision:01.08.2023****M/S CHAND RAM TIMBER AND STEEL****.....PETITIONER****VERSUS****MICRO AND SMALL ENTERPRISES
FACILITATION COUNCIL, HARYANA
AND OTHERS****.....RESPONDENTS****CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.**

**Present: Mr. R.S. Randhawa and
Ms. Tarrannaum Madan, Advocates,
for the petitioner.**

Mr. Vivek Chauhan, Addl. A.G., Haryana.

VINOD S. BHARDWAJ, J.

The petitioner challenged the reference/claim dated 15.06.2021 whereby claim had been submitted by the respondent before the Facilitation Council.

It has been averred in the present petition that the petitioner and respondent No.3 had business dealings from the year 2013 and on account of ill & dishonest conduct of respondent No.3 in business transactions, the dealing between the parties came to an end in February 2020. Vague and fictitious bills were raised by respondent No.3 in March 2021 despite no order being placed by the petitioner. A complaint in this regard was duly made by the petitioner with the police whereupon the respondent had been

asked to produce the proof of the delivery of goods. As he was unable to show any proof of delivery, FIR No.399 dated 26.05.2022 under Sections 420, 506, 34 IPC had been registered at Police Station Jyoti Nagar. Notwithstanding the above, the claim in question had been preferred before the Facilitation Council and an application was submitted for initiation of proceedings under Section 340 Cr.P.C. Hence, after failure of the conciliation proceedings, the matter was referred to the Sole Arbitrator who issued notice for appearance of the petitioner. The petitioner claims to have informed the Arbitrator about the said issues and that the proceedings before him are without jurisdiction, but to no avail. Reference was thus sought to be challenged.

It is relevant to mention here that the controversy in the present writ petition has already been considered in CWP-12338-2019.

In view of the above, the present writ petition is disposed of, in terms of the judgment of even date passed in **CWP-12338-2019**, titled as **“Indian Oil Corporation Limited Versus Haryana Micro and Small Enterprise Facilitation Council, Chandigarh, Haryana and another”**.

August 01, 2023
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No