

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

113

CWP-17595-2023
Date of Decision: 11.08.2023

SUPER PLASTRONICS PVT LTD

... Petitioner

VERSUS

MICRO SMALL AND MEDIUM ENTERPRISES
FACILITATION COUNCIL HARYANA AND OTHERS

... Respondents

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

Present: Mr. Shehbaz Thind, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the order dated 22.02.2023 passed by respondent No.1- The Presiding Officer, Micro, Small & Medium Enterprises Facilitation Council, Haryana, (hereinafter referred to as 'Facilitation Council') whereby the reference has been made to the Facilitation Council and a notice appointing Arbitrator has been received by the petitioner herein.

Learned counsel for the petitioner *inter alia* contends that there are numerous issues including the element of excess payment made by the petitioner company at the risk and cost of the supplier (respondent herein) from one third party namely M/s M.A. Engineering Works and as a matter of fact, there is a recovery to be effected by the petitioner from the respondent (supplier).

It is equally well settled position in law that any such counter-claim/set off can be validly raised before the Facilitation Council/Arbitrator.

Faced with the above, counsel for the petitioner seeks withdrawal of the present petition with liberty to take/raise all such pleas/objections before the Facilitation Council/Arbitrator.

Disposed of as withdrawn as per the above terms.

Needless to mention that in the event of the petitioner taking such pleas/objections/counter-claim/defence, the same shall be dealt with in accordance with law by passing a reasoned and speaking order/Award.

AUGUST 11, 2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

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