



WEB COPY



W.P. No. 653 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 653 of 2024

and

W.M.P. No. 672 of 2024

M/s. Hemp Fabs,
D. No. 86, Karuppagoundanpudur West,
Thanthonimalai,
Karur – 639 004.

... Petitioner

-VS-

1. The Secretary,
Micro Small Enterprises Facilitation Council,
Coimbatore Region,
Coimbatore.

2. M/s. Trist of Pvt. Ltd.,
54, Sengunthapuram Main Road,
R.R. Tower,
Near Central Bank of India,
Karur - 639 001.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records relating to the Proceedings in MSEFC/CBER/223/2021 (online application No. UDYAM-TN-22-01004441/M/00001) dated 13.03.2023 on the file of the First Respondent and quash the same.



WEB COPY



W.P. No. 653 of 2024

For Petitioner : Mr. V.Illanchezian
For Respondents : Mr. B.Vijay,
Additional Government Pleader (for R1)

ORDER

Heard Mr. V.Illanchezian, Learned Counsel for the Petitioner and Mr. B.Vijay, Learned Additional Government Pleader, who takes notice for the First Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. The order dated 13.03.2023 in Case No. MSEFC/CBER/223/2021 passed by the First Respondent under Section 18 of the Micro, Small and Medium Enterprises Development Act, 2006, which is challenged in this Writ Petition, is evidently an arbitral award in terms of Section 2(4) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to a 'A & C Act' for short), against which an application for setting it aside could be made before the jurisdictional civil court under Section 34 of the A & C Act as held by the Hon'ble Supreme Court of India in the decision in ***India Glycols Limited ~vs~ Micro and Small Enterprises Facilitation Council, Medchal~Malkajgiri*** (Order dated 06.11.2023 in Civil Appeal No. 7491 of 2023). In view of the aforesaid legal



W.P. No. 653 of 2024

position, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition with liberty to resort to the aforesaid procedure, and he has made an endorsement to that effect in the court record.

3. In such circumstances, the Writ Petition is dismissed as withdrawn granting such liberty. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petition, viz., 02.01.2024, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. Consequently, the connected Miscellaneous Petition is closed. No costs.

18.01.2024

Index: Yes/No

NCC: Yes/No

Note: (i) Issue order copy by 04.03.2024.

(ii) Registry is directed to return the impugned order under written acknowledgment after retaining a copy of the same for record.

vjt



W.P. No. 653 of 2024

To

1. The Secretary,
Micro Small Enterprises Facilitation Council,
Coimbatore Region,
Coimbatore.
2. M/s. Trist of Private Limited,
54, Sengunthapuram Main Road,
R.R. Tower,
Near Central Bank of India,
Karur - 639 001.



WEB COPY



W.P. No. 653 of 2024

P.D. AUDIKESAVALU, J.

vjt

W.P. No. 653 of 2024

18.01.2024