



W.P. Nos. 3350 and 3370 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

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

W.P. Nos. 3350 and 3370 of 2024

W.P. No. 3350 of 2024:-

M/s. Akshobhya Steels Pvt., Ltd.,
Rep. by its Managing Director,
K.S. Manigandan
No. 70/1A & 70/2 Alinjivakkam Village,
Ponneri Taluk, Chennai 600 067.

... Petitioner

-VS-

1. The Joint Director,
Micro and Small Enterprises Facilitation Council (MSEFC),
O/o. The Regional Joint Director of Industries and Commerce,
A 30, T.I.Vi.Ka. Industrial Estate,
Guindy, Chennai 600 032.

2. M/s. Nishar Engineering Works,
Represented by its Proprietor S. Abdul Nishar,
No. 25/7, Gingee Road, Chetpet,
Thiruvannamalai District 606 801.

... Respondents

(Cause title amended vide order dated 22.02.2024 made in W.M.P.No.4861 of 2024 in W.P. No. 3350 of 2024)

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondent to dispose of the delayed payment case filed against the Second Respondent before the First Respondent counsel vide in MSEFC/CR/328/2022 dated 05.09.2022 within four weeks.



W.P. Nos. 3350 and 3370 of 2024

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W.P. No. 33570 of 2024:-

M/s. Akshobhya Steels Pvt., Ltd.,
Rep. by its Managing Director,
K.S. Manigandan
No. 70/1A & 70/2 Alinjivakkam Village,
Ponneri Taluk, Chennai 600 067.

... Petitioner

-VS-

1. The Joint Director,
Micro and Small Enterprises Facilitation Council (MSEFC),
O/o. The Regional Joint Director of Industries and Commerce,
A 30, T.I.Vi.Ka. Industrial Estate,
Guindy, Chennai 600 032.

2. M/s. N.Shajahan Engineering Works
Rep. by its Proprietor M/s. N. Shajahan
No. 23/A, Balamurugan Street,
Chetpet Post, Polur Taluk,
Thiruvannamalai District, Chetpet 606 801.

... Respondents

(Cause title amended vide order dated 22.02.2024 made in W.M.P.No.4862 of 2024 in W.P. No. 3370 of 2024)

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondent to dispose of the delayed payment case filed against the Second Respondent before the First Respondent counsel vide in MSEFC/CR/327/2022 dated 05.09.2022 within four weeks.

For Petitioner : Mr. S.Ravichandran (In both W.Ps.)

For Respondents : Mr. P.Ganesan (For R1 in both W.Ps.)
Additional Government Pleader



W.P. Nos. 3350 and 3370 of 2024

COMMON ORDER

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Heard Mr. S.Ravichandran, Learned Counsel for the Petitioner and Mr. P.Ganesan, Learned Additional Government Pleader for the First Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Second Respondents, notice to them is dispensed with.

3. The grievance ventilated by the Petitioner is that he had made claims against the Second Respondent in Case Nos. MSEFC/CR/327/2022 and MSEFC/CR/328/2022 before the First Respondent under Section 18(1) of the Micro, Small and Medium Enterprises Development Act, 2006 (hereinafter referred to as 'the MSMED Act' for short), for payment of Rs. 24,75,198/- and Rs. 56,85,263/- along with interest at the rate of 27% per annum from the date of invoice till date of filing of this petition and also future interest till the date of realization, but as it did not evoke any response, it has necessitated the filing of this Writ Petition.



W.P. Nos. 3350 and 3370 of 2024

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4. Learned Additional Government Pleader appearing for the First Respondent, on instructions, states that the next hearing of the cases has been fixed on 27.02.2024 before the First Respondent.

5. In such circumstances, this Court without expressing any view on the merits of the controversy involved in the matter, passes the following order:-

- (i) it shall be incumbent upon the First Respondent to send due notice to the Petitioner, the Second Respondents and all other persons concerned to attend the hearing on the said date as well as on the subsequent dates to which it is adjourned and ensure that there are atleast two effective hearings every month showing progress of the case;
- (ii) after affording full opportunity of hearing to all parties concerned following the prescribed procedure in consonance with the principles of natural justice, the First Respondent shall deal with each of the contentions raised and pass reasoned orders on merits and in accordance with law and communicate the decision taken to them under written acknowledgment; and
- (iii) the report of such compliance shall be filed before the Registrar (Judicial) of the Court.



W.P. Nos. 3350 and 3370 of 2024

WEB COPY In the result, these Writ Petitions are disposed on the aforesaid terms. No costs.

22.02.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 29.05.2024.

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To

The Joint Director,
Micro and Small Enterprises Facilitation Council (MSEFC),
O/o. The Regional Joint Director of Industries and Commerce,
A 30, T.I.Vi.Ka. Industrial Estate,
Guindy,
Chennai - 600032.

Copy to

1. The Registrar (Judicial),
Madras High Court,
Chennai – 600104.
2. M/s. Nishar Engineering Works,
Represented by its Proprietor S. Abdul Nishar,
No. 25/7, Gingee Road, Chetpet,
Thiruvannamalai District 606 801.
2. M/s. N.Shajahan Engineering Works
Rep. by its Proprietor M/s. N. Shajahan
No. 23/A, Balamurugan Street,
Chetpet Post, Polur Taluk,
Thiruvannamalai District, Chetpet 606 801.



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W.P. Nos. 3350 and 3370 of 2024

P.D. AUDIKESAVALU, J.

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W.P. Nos. 3350 and 3370 of 2024

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