



WEB COPY



W.P.No.15677 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.15677 of 2024

and

W.M.P.No17077 of 2024

CLASSIK PLASTO PACKAGINGS,
Represented by its Managing Partner,
P.Sujatha
Plot No.B-3, Industrial Estate,
Thattanchavady,
Puducherry – 605 009.

..Petitioner

-Vs-

1. The Chairperson,
MSE Facilitation Council,
Tiruchirapalli Region,/Industries Commissioner
and Director of Industries & Commerce,
Guindy, Chennai – 600 032.

2.M/s.Maruthi Polybags Private Limited,
Represented by its Managing Director,
N.Renganathan,
No.10 & 11C, SIPCOT Industrial Complex,
Pudukottai – 622002.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari, to call for the Arbitral award dated 30.12.2022 passed by the First Respondent and all consequential proceedings, notices and orders arising out of it, and quash the same.



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For Petitioner : Mr.Ravi Kannan
For R1 : Mr.N.Naveen Kumar
Government Advocate assisted by
For R2 : Mr.A.V.Bharathi assisted by
Ms.R.Revathy.

ORDER

This Writ Petition has been filed challenging the arbitration award dated 30.12.2022 passed by the first respondent vide No.MSEFC/TRY/18/2022 (Online Application No.UDYAM-TN-17-0009515/S/00010)

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner had already challenged the very same award in W.P.No.24410 of 2023. Subsequently, it was dismissed as withdrawn, by an order dated 30.11.2023 and this Court observed as follows :

“2. When it was pointed out that the petitioner cannot invoke the discretionary jurisdiction of this Court under Article 226 of the Constitution to challenge the order dated 30.12.2022 in Case No.MSEFC/TRY/18/202 passed by the first respondent under Section 18 of the Micro, Small and Medium Enterprises Development Act, 2006, in view of the effective alternative remedy available under Section 34 of the



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*Arbitration and Conciliation Act, 1996, before the jurisdictional Court as held by the Hon'ble Supreme Court of India 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), 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.*

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., 27.04.2023, 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."

4. Without utilizing the said liberty given by this Court, by an order dated 30.11.2023, once again the petitioner approached this Court by way of this writ petition challenging the very same award passed by the first respondent. Therefore, the writ petition is not maintainable and it is liable to be dismissed.



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5. Accordingly, this Writ Petition stands dismissed.

Consequently, connected miscellaneous petition is closed. No costs.

28.08.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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To

1. The Chairperson,
MSE Facilitation Council,
Tiruchirapalli Region,/Industries Commissioner
and Director of Industries & Commerce,
Guindy, Chennai – 600 032.



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G.K.ILANTHIRAIYAN. J,

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