



WEB COPY



W.A.Nos.2510 and 2512 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2024

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

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Akshobhya Steels Pvt. Ltd.,
rep. by its Executive Director Anil Kumar Ojha,
No.70/1A & 70/2, Alinjivakkam Village,
Ponneri Taluk,
Chennai-600 067.
Appellant-in

..

Person
in both WAs

[Cause-title of the appellant accepted vide
order dated 31.7.2024 made in CMP.Nos.15354 and
15360 of 2024 in W.A.Nos. SR 75913 and 75912 of 2024]

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.



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

.. Respondents
in both WAs

Prayer : Appeals under Clause 15 of the Letters Patent against the common order dated 22.02.2024 passed in W.P.Nos.3350 and 3370 of 2024.

For Appellant	: Mr.Anil Kumar Ojha Appellant-in-person
For Respondents	: Ms.R.Monica Chopda for Mr.Bosco for respondent No.2
	: No appearance for respondent No.1

COMMON JUDGMENT
(Order of the Court was made
by the Hon'ble Chief Justice)

These writ appeals are impugning the common order dated 22nd February, 2024, by which the writ petitions filed under Article 226 of the Constitution of India came to be disposed of by giving directions to respondent No.1 as also respondent No.2. Paragraph 5 of the said impugned common order reads as under:



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“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.”*

2. Though we are not satisfied that the order is appealable and the appeals are maintainable, nevertheless, we shall dispose of these appeals in view of the statement made by Ms.R.Monica Chopda, learned counsel appearing for respondent No.2, that what remains is only for respondent No.1 to give an Award. Both appellant (Mr.Anil Kumar Ojha, party-in-person) and Ms.R.Monica Chopda state that parties have also filed



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written submissions and the Council is to give only the Award. Both state that the Council does not have a fixed pattern of hearing and a day before the next date of hearing, an e-mail is sent that the Council will be sitting on a particular date and time. Appellant states that even on that day nothing is happening and the matters are simply adjourned. Appellant states that the claim was lodged on or about 5th September, 2022 and appellant, being an MSME Enterprise, the non-payment of the amount by respondent No.2 is hurting the appellant badly.

3. Therefore, without going into the merits of the matter, we dispose of both the appeals with a direction to the Micro and Small Enterprises Facilitation Council to give its Award on merits and in accordance with law on the claim made by appellant not later than 31st December, 2024. There shall be no order as to costs. Consequently, C.M.P.No.17932 of 2024 is closed.

(K.R.SHRIRAM, CJ)

(D.KRISHNAKUMAR,J.)

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Index : Yes/No
NC : Yes/No
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