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W.P.No.21699 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2024

CORAM

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

W.P.No. 21699 of 2024

M/S.Sri Saravana Pipes & Tubes Co.,
Rep by its Partner K.Chandrasekaran,
Having Business at
Old No.28, New No.24,
Thiruvalluvar Street,
Ramapuram, Ambattur,
Chennai-600 053.

.... Petitioner

Vs

1. The Authorized Officer
Micro and Small Enterprises
Facilitation Council (MSEFC)
Regional Joint Director of
Industry and Commerce
Thiru- Vi-Ka Industrial Estate,
Guindy, Chennai-32.

2. M/s. Siva Energy Infrastructure Pvt Ltd
Rep by its Managing Director D. Sivakumar,

3.D.Sivakumar
Managing Director of
M/s.Siva Energy Infrastructure Pvt Ltd

4. S.Shakila
Director and Authorized Signatory of
M/s.Siva Energy Infrastructure Pvt Ltd. Respondents



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Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing 1st Respondent to direct 2nd to 4th respondent to release Rs.20,78,639/- to Petitioner based on invoices from April 2019 to March 2020 and release the outstanding payments to petitioner expeditiously along with interest calculated from April 2019 to till date of realization.

For Petitioner : Mr.I.Arockia Selvaraj

ORDER

This Writ Petition has been filed for a direction, directing the first respondent to take action as against the respondents 2 to 4 with regard to release of Rs.20,78,639/- as per the supply of goods from April 2019 to March 2020 and order to release the outstanding payments with interest.

2. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

3. The petitioner is a registered partnership firm and dealing with pipe, tube, roofing sheet, valve and galvanized pipe. While being so, from the year 2019, the respondents 2 to 4 placed orders for the supply of



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above materials. Accordingly, the petitioner supplied the materials and raised invoices from April 2019 to March 2020 for a sum of Rs.31,25,743/-. After payment of Rs.10,47,104/-, there is balance of Rs.20,78,639/-. Though the petitioner approached the respondents 2 to 4 herein for making payment as per the invoices, they were not made any payment by showing COVID-19 pandemic circumstances. Therefore, the petitioner approached the first respondent, who is being the authority, under the Micro, Small and Medium Enterprises Development Act, 2006 (hereinafter referred to as “MSME Act”) and submitted a representation.

4. As per Sections 15 to 18 of MSME Act, it is clear clear that the first respondent is the authority to give suitable direction to the purchaser, to settle the amount for the goods purchased by them. As per Section 18(1) of the MSME Act, the petitioner submitted a representation before the first respondent with regards to non-settling the amount by the respondents 2 to 4 herein for supply of materials from April 2019 to March 2020. However, it is pending on the file of the first respondent without any order.



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5. In view of the above, the first respondent is directed to issue notice to the petitioner and the respondents 2 to 4 herein and conduct enquiry after giving them an opportunity of hearing and pass orders as per the invoice raised by the petitioner in accordance with the provisions under Sections 16 and 17 of MSME Act within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition stands disposed of. No costs.

05.08.2024

Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
Lpp

To

The Authorized Officer
Micro and Small Enterprises Facilitation Council (MSEFC)
Regional Joint Director of Industry and Commerce
Thiru- Vi-Ka Industrial Estate,
Guindy, Chennai-32.



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G.K.ILANTHIRAIYAN, J.

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