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W.P. No. 24091 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2024

CORAM

THE HO N'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 24091 of 2023

and

W.M.P. No. 23570 of 2023

M/s. Barrla System Private Limited
Plot No.8, Malrosapuram Road
Sengundram Village
Thirukatchiyur, Maraimalai Nagar
Chennai – 603 204.

... Petitioner

-VS-

1. M/s. Sundeep Associates
No. 14, Ambattur Vanagaram Road
Ayenambakkam
Chennai – 600 095.

2. The Secretary
MSE Facilitation Council
Regional Joint Director of
Industries and Commerce
Guindy, Chennai – 600 032.

... 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 of the Second Respondent in proceedings bearing MSEFC/CR/172/2021 dated 11.08.2022 and quash the same.



W.P. No. 24091 of 2023

For Petitioner : Mr. K.Venkateswaran

For Respondents : Mr. K.F.Manavalan (for R1)

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ORDER

Heard Mr. K.Venkateswaran, Learned Counsel appearing for the Petitioner and Mr. K.F.Manavalan, Learned Counsel appearing for the First Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The order dated 11.08.2022 in Case No. MSEFC/CR/172/2021 passed by the Second 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. 24091 of 2023

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 In such circumstances, the Writ Petition is dismissed as withdrawn granting such liberty.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., 02.08.2023, 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.

02.01.2024

Index: Yes/No

NCC: Yes/No

Maya

Note: Issue order copy on 04.03.2024.



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W.P. No. 24091 of 2023

P.D. AUDIKESAVALU, J.

Maya

To

1. M/s. Sundee Associates
No. 14, Ambattur Vanagaram Road
Ayenambakkam
Chennai – 600 095.
2. The Secretary
MSE Facilitation Council
Regional Joint Director of
Industries and Commerce
Guindy, Chennai – 600 032.

W.P. No. 24091 of 2023

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