



W.P.No.30190 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2024

CORAM:

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

W.P.No.30190 of 2024

S.Senthil Kumar

... Petitioner

Vs.

1.The Chairperson,
Micro and Small Enterprises Facilitation Council, Chennai/
Industries Commissioner and Director of Industries and
Commerce, Guindy,
Chennai-32

2.The Secretary,
Micro and Small Enterprises Facilitation Council, Chennai,
Guindy, Chennai-32

3.G.Ramakrishna Reddy
4.Madras High Court Arbitration Center,
Madras High Court Campus,
Chennai 600 104

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India
praying to issue Writ of Mandamus directing the first respondent to



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transfer all the claim documents pertaining to MSEFC/CR/6/2019 to the Madras High Court Arbitration Centre forthwith.

For Petitioner : Mr.K.V.Sanjeevkumar

ORDER

This writ petition has been filed for direction to the first respondent to transfer all the claim documents pertaining to MSEFC/CR/6/2019 to the Madras High Court Arbitration Centre.

2. The petitioner is engaged in the activity of business of electrical supply, installation, testing and commissioning work. The petitioner had entered into business transaction with the third respondent. During the business transaction, there was default by the third respondent and as such, the petitioner made claim under the provisions of Micro, Small and Medium Enterprises Development Act, 2006 as against the third respondent. After giving opportunity, the first respondent passed award and thereby ordered the third respondent to pay principal amount



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of Rs.46,26,595/- with compound interest and also with monthly interest.

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Aggrieved by the same, the third respondent approached this Court in WP.No.14041 of 2020 and this Court by order dated 12.12.2012 set aside the award passed by the first respondent on the ground that section 18 of MSMED Act, no conciliation was conducted by the first respondent before passing the award and remanded back to the first respondent. When the first respondent issued notice to the petitioner as well as the third respondent, the third respondent refused to give consent for arbitration and conciliation and he was willing to move before Madras High Court Arbitration Centre to resolve the matter. The petitioner also consented for the same. Even then, the first respondent did not forward the claim petition and other documents which were placed by the petitioner to the Madras High Court Arbitration Centre for further adjudication.

3. In view of the above, the first respondent is directed to transfer all the claim petitions submitted by the petitioner along with all the documents to the Madras High Court Arbitration Centre within a



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period of two weeks from the date of receipt of copy of this order.

4. With the above direction, this writ petition is disposed of.

There shall be no order as to costs.

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Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order

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To

- 1.The Chairperson,
Micro and Small Enterprises Facilitation Council, Chennai/
Industries Commissioner and Director of Industries and
Commerce, Guindy,
Chennai-32
- 2.The Secretary,
Micro and Small Enterprises Facilitation Council, Chennai,
Guindy, Chennai-32
- 3.Madras High Court Arbitration Center,
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G.K.ILANTHIRAIYAN, J.

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