



WEB COPY



W.A.No.515 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE BHARATHA CHAKRAVARTHY

W.A.No.515 of 2024

iCUBE PROJECTS

Having its registered office
at No. 52/103A, 4th Street,
Abhiramapuram, Chennai - 600 018.

.. Appellant

Vs

1. L & W CONSTRUCTIONS PRIVATE LIMITED

A company incorporated under the Companies Act, 1956
having its registered office at
No.801, 8th Floor, Pride Hulkul
No.116, Lalbagh Road
Bengaluru - 560 027
rep. by its Authorised Signatory.
Innasi Remigious

2. Micro Small Enterprises Facilitation Council,
Chennai, represented by its Chairman,
Guindy, Chennai 600 032

.. Respondents

Prayer : Appeal under Clause 15 of the Letters Patent to set aside
the order dated 01.09.2023 in WP.No.9912 of 2020 passed by the
learned Single Judge.



WEB COPY



W.A.No.515 of 2024

For the Appellant

: Mr.Surya Senthil
for M/s.Surana and Surana

JUDGMENT

(Delivered by *the Hon'ble Chief Justice*)

Heard Mr.Surya Senthil, learned counsel appearing on behalf of M/s.Surana and Surana, learned counsel for the appellant.

2. The present first respondent had filed a writ petition, bearing W.P.No.9912 of 2020, challenging the award passed by the second respondent/Council. The learned Single Judge set aside the award and remitted the matter to the Council for holding a proper arbitration proceedings in terms of the Micro, Small and Medium Enterprises Development Act, 2006. The said order is challenged by the original second respondent/present appellant.

3. Learned counsel for the appellant strenuously contends that it was erroneous on the part of the learned Single Judge to observe that without recording the failure of the conciliation proceedings the arbitration proceedings were taken up by the Council. Learned



W.A.No.515 of 2024

counsel submits that the conciliation proceedings had come to an end. The Council recorded failure of the conciliation in the joint sitting held on 14.3.2018 and thereafter the arbitration proceedings were commenced. The statement of claim was filed. The statement of defence was filed. The Council considered the say in the arbitration proceedings. Proper opportunity was given and the award was passed.

4. We have gone through the proceedings of the second respondent/Council and also perused the order passed by the learned Single Judge.

5. Upon perusal of the proceedings, it is manifest that the failure of the conciliation was not independently recorded and when the arbitration proceedings were taken up is also not recorded. The appellant wants us to infer the commencement of the arbitration proceedings. However, on perusal of the proceedings, it is abundantly clear that the Council nowhere suggested the conciliation proceedings coming to an end upon its failure and the



W.A.No.515 of 2024

WEB COPY

commencement of arbitration proceedings independently.

6. The learned Single Judge has not committed any error. The learned Single Judge has remitted the matter to the Council for holding a proper arbitration proceedings in terms of the Act. The appellant may request the Council for conducting the arbitration proceedings expeditiously.

The writ appeal, accordingly, stands disposed of. There shall be no order as to costs. Consequently, C.M.P.No.3551 of 2024 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

15.02.2024

Index : Yes/No
Neutral Citation : Yes/No
sasi

To
The Chairman
Micro Small Enterprises Facilitation Council, Chennai,
Guindy, Chennai - 600 032.



WEB COPY



W.A.No.515 of 2024

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

(sasi)

W.A.No.515 of 2024

15.02.2024