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W.P.No.35339 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.35339 of 2024

M/s. G.N.Industries,
Represented by its Proprietor,
Mr.Ranjit Singh,
No.191, NA, Vanagaram Road,
Athipet, Chennai - 600 058.

...Petitioner

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.
2. M/s. Accord Distiller & Brewers Private Limited,
29, Tilak Street, T.Nagar,
Chennai - 600 017.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to dispose of the delayed payment case filed against the second respondent before the first respondent counsel vide in MSEFC/CR/330/2023 dated 06.07.2023 within four weeks.

For Petitioner : Mr.S.Ravichandran

For R1 : Mr.T.Chandrasekaran
Special Government Pleader

ORDER



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The petitioner herein seeks a direction to the first respondent to dispose of his claim petition filed in MSEFC/CR/330/2023 dated 06.07.2023 within four weeks.

2. It is the case of the petitioner that it is a small scale company registered under the MSME Act and engaged in the business of manufacturing paper corrugated paper box for material packing etc. The petitioner supplied paper corrugated boxes to the second respondent to the value of Rs.49,66,481/- and the same is due to be payable by the second respondent. Hence, the petitioner submitted a claim petition before the first respondent under section 18 of the Micro, Small Medium Enterprises Development Act, seeking recovery of the said amount. Though the said application was submitted by the petitioner as early as 06.07.2023, the same has not been considered till date. Therefore, the petitioner is before this Court.

3. Mr.T.Chandrasekaran, learned Special Government Pleader, who takes notice for the first respondent would submit that the application of the petitioner was already taken on file and notice was issued to the second respondent fixing the date of hearing as 07.08.2023. In view of the admitted



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position, notice was already issued to the second respondent fixing date of hearing as 07.08.2023, the first respondent is expected to adhere to the time schedule mentioned in the Act and the first respondent cannot keep the proceedings pending without any progress.

4. In view of the above, without going into the merits of the claim made by the petitioner, this Court is inclined to issue a direction to the first respondent to dispose of the claim petition filed by the petitioner against the second respondent in accordance with law under section 18 of the Micro, Small Medium Enterprises Development Act, either by recording settlement reached between the parties in a conciliation proceedings or by making a reference to arbitration under Section 18(3), within a period of three months from the date of receipt of copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs.

27.11.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order

S. SOUNTHAR, J.



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