



WEB COPY



W.P. No. 137 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 137 of 2024

and

W.M.P. No. 154 of 2024

M/s.Ford Smart Mobility India Private Limited,
Represented by its Manager-Customer Service,
Mr.Suresh, 10th Floor, Office Buildings-1,
Ford Global Technology and Business Centre,
Elcot SEZ, Shollinganallur,
Chennai.

... Petitioner

-VS-

1.The Chair Person,
The Micro and Small Enterprises Facilitation Council Industries
Commissioner and Director of Industries and Commerce,
Guindy, Chennai-600 032.

2.The Micro and Small Enterprises Facilitation Council,
Represented by its Secretary,
Coimbatore Region,
District Industries Centre,
Coimbatore.

3.M/s.Vee Vee Bus Services Private Limited,
Flat No.36, Sowripalayam Road,
Ramanathapuram,
Coimbatore-641 045.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari to call for the entire records of the impugned proceedings dated 02.05.2023 passed by the first respondent in MSEFC/CBER/83/2022 and to quash the same as without jurisdiction.



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For Petitioner	: Mr.V.Ayyathurai Senior Counsel for Mr.S.Senthil
For R1 & R2	: Mr.U.Baranidaran Additional Government Pleader

ORDER

Heard Mr. V.Ayyathurai, Learned Senior Counsel appearing for the Petitioner and Mr. U.Baranidharan, Learned Additional Government Pleader, who takes notice for the First and Second Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Third Respondent notice to him is dispensed with.

3. The order dated 02.05.2023 in Case No. MSEFC/CBER/83/2022 passed by the First 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



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civil court under Section 34 of the A & C Act as held by the Hon'ble Supreme

WEB 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 position, Learned Senior Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition with liberty to resort to the aforesaid procedure, and Learned Counsel for the Petitioner has made an endorsement to that effect in the court record.

4. 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., 19.12.2023, 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.

12.01.2024

Index: Yes/No

NCC: Yes/No

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Note: (i) Issue order copy by 04.03.2024.

(ii) Registry is directed to return the impugned order under written acknowledgment after retaining a copy of the same for record.



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- To
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The Micro and Small Enterprises Facilitation Council Industries
Commissioner and Director of Industries and Commerce,
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 2. The Micro and Small Enterprises Facilitation Council,
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P.D. AUDIKESAVALU, J.

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