

2024:PHHC:086838



**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

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**CWP-15842-2024
Date of Decision: 12.07.2024**

M/S SUPERIOR PRODUCTS INDUSTRIES

... Petitioner

VERSUS

**HARYANA MICRO AND SMALL ENTERPRISES
FACILITATION COUNCIL AND ANR.**

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Naveen Sheokand, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the order dated 19.10.2021 (Annexure P-2) whereby respondent No.1- Haryana Micro and Small Enterprises Facilitation Council dismissed the application/claim preferred by the petitioner under Section 18 of the MSMED Act, 2006 for seeking release of admissible dues, on the ground that the same was barred by limitation.

Learned counsel for the petitioner contends that the said claim cannot be said to be barred by limitation since the cause of action for raising the claim accrued in favour of the petitioner on 13.10.2012 whereupon a suit for recovery was instituted on 07.08.2015 before the Civil Court. The said suit was withdrawn by the petitioner on 04.10.2019 with liberty to take recourse of legal remedies under the MSMED Act, 2006. It is further submitted that before withdrawal of the said civil suit, the petitioner had already preferred an application before the Haryana Micro and Small Enterprises Facilitation Council on 24.07.2019. Thus Section 14 of the Limitation Act would accrue in his favour. Hence, the claim in question could not have been dismissed on the ground of limitation.



On being confronted that the dismissal of the claim would nonetheless be an Award of the Facilitation Council which is amenable to challenge by way of an appeal under Section 19 of the MSMED Act, 2006, the learned counsel for the petitioner seeks withdrawal of the present petition so as to take recourse to the appropriate alternative remedies available to him in accordance with law.

Disposed of as withdrawn with the liberty as aforesaid.

JULY 12, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No