

2024:PHHC:078454



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

222

CWP-20232-2022
Date of Decision: 28.05.2024

M/S SAARK KNITS AND ANOTHER

... Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Sahil Nain, Advocate for
Mr. Sandeep Kumar, Advocate
for the petitioner.
Ms. Akshita Chauhan, DAG, Punjab
for respondents No.1, 3 and 4.
Mr. Atul Goyal, Advocate
for respondent No.2.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for directing respondent No.4 to decide application dated 09.08.2022 filed alongwith stay application dated 09.08.2022 for transfer of claim petition from Punjab Micro, Small & Medium Enterprises Facilitation Council, Ludhiana to any other Facilitation Council.

Contention of the petitioner that the Micro and Small Enterprises Facilitation Council having acted as a conciliator could not have carried out arbitration in exercise of power under Section 18(3) of The Micro and Small Enterprises Development Act, 2006 was also noticed.

While issuing notice of motion, reference was made to the judgment of '*Gujarat State Petronet Ltd. Versus Micro and Small Enterprises Facilitation Council and others*' reported as (2018)5 AIR Bombay Reporter 821.



Counsel for the respondents contend that the issue with respect to entitlement of the Facilitation Council to carry out arbitration on account of failure of conciliation proceedings has already been dealt with by this Court in the *order/judgment dated 01.08.2023* passed in *CWP-12338-2019* titled as '*Indian Oil Corporation Ltd. Versus Haryana Micro and Small Enterprise Facilitation Council, Chandigarh, Haryana and Another*'. He further submits the LPA preferred against the said judgment has also been dismissed and that the said judgment has attained finality.

Since the matter in question has already been dealt with by this Court and the Micro and Small Enterprises Facilitation Council has been held competent to adjudicate the matter on failure of the conciliation proceedings, the present petition is hereby disposed of in terms of *order/judgment dated 01.08.2023 (supra)*.

MAY 28, 2024
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No