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

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**CWP-25852-2021 (O&M).
Date of Decision: 14.10.2024.**

M/S SAMRUDDHINGREEN INFRA TECH PRIVATE LIMITED

... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

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

Present: Mr. Jasmeet Singh Bhatia, Advocate,
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Gursat Singh, Advocate,
(Through Video Conference)
for respondent No.3.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the order dated 20.09.2021 (Annexure P-6) passed by the respondent No.2-the Haryana Micro and Small Enterprises Facilitation Council, Panchkula, Haryana, whereby the dispute between the respondent No.3 and the petitioner had been referred to an arbitrator notified by the Government under Rule 4 (16) of the Haryana Micro and Small Enterprises Facilitation Council Rules,

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2007, as well as Section 18 (3) of Chapter V of the Micro, Small and Medium Enterprises Development Act, 2006 (hereinafter referred to as 'MSMED Act of 2006').

2 Learned counsel appearing for the petitioner contends that the petitioner had business transactions with respondent No.3-M/s Vikas Scaffolding Pvt. Ltd. An application dated 19.02.2021 was moved by respondent No.3 before respondent No.2 which was registered as Case No.2618 of 2021 allegedly for an amount of Rs.68,92,795/- towards principal amount along with interest of Rs.9,45,166/-. Notice of the said application pertaining to the claim for having supplied shuttering and scaffolding material for lease on hire basis for the period commencing w.e.f. 01.03.2019 to 31.10.2020 had been issued and the counsel for the petitioner had put in appearance on 15.09.2021 and filed interim reply to the notice alleging that despite not being affording an opportunity of hearing in the proceedings and documents having not been supplied, the Facilitation Council, referred the matter for arbitration compelling the petitioner to approach this Court.

3 During the course of hearing today, learned counsel for the petitioner as well as learned counsel for respondent No.3 have pointed out that the matter has already been settled between the parties in a meeting held between them on 07.10.2024 at the Head Office of respondent No.3. As per the above said settlement, the petitioner has confirmed the total settlement amount to be at Rs.38 lakhs which has been accepted by the

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respondent No.3. As per the settlement, a sum of Rs.30 lakhs is to be paid up to 07.11.2024 while the balance amount of Rs.8 lakhs is to be paid by 30.12.2024. Even though it is stated that the case shall be withdrawn on disbursement of the complete payment, however, this Court does not find any reason to keep this matter pending any further merely for the above reason once the apprehension of the respondent can be well taken care of.

4 The present petition is disposed of in terms of settlement that has been entered into between the parties and acknowledged and admitted by the counsel for the petitioner as well as for respondent No.3.

5 Accordingly, the petitioner would release the payment, in terms as agreed by him, in two tranche i.e. Rs.30 lakhs on 07.11.2024 and Rs.8 lakhs no 30.12.2024 respectively. It is made clear that in case the aforesaid amount is not paid on the dates as agreed, this petition shall be deemed to have been dismissed without any further reference to this Court. The counsel for the petitioner agrees to the same and prays that the interim protection may, however, be extended.

6 The interim protection granted by this Court is thus extended and it shall enure till 07.11.2024 at the first instance and to be extended till 30.12.2024 in the event of payment of the first installment of Rs.30 lakhs on the said date.

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7 Pending misc. applications, if any, shall also stand disposed of accordingly.

October 14, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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