



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

112

CWP-31462-2024
Date of Decision: 27.11.2024

M/S RDA PRINT PACK

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Rajesh Gupta, Advocate
for the petitioner.
Ms. Akshita Chauhan, DAG, Punjab.
Mr. Neeraj Sansaniwal, Advocate
for respondent No.3.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the Award dated 21.10.2024
(Annexure P-3) passed in Claim Petition No.342 of 2023 by respondent No.2-
District Level Micro and Small Enterprises Facilitation Council, S.A.S. Nagar
(Mohali).

Power of attorney on behalf of respondent No.3 has been filed
today in Court. Same is taken on record.

Learned counsel for the petitioner *inter alia* contends that there are
numerous discrepancies in the impugned Award regarding the material factual
aspects.

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However, on being confronted by the counsel for respondent No.3 that the petitioner has an efficacious alternative remedy in the form of statutory appeal under Section 19 of The Micro, Small and Medium Enterprises Development Act, 2006, learned counsel for the petitioner does not dispute the availability of such alternative remedy, but contends that an onerous condition of pre-deposit of 75% of the awarded amount is prescribed thereunder.

I am, however, of the opinion that the statutory mandate of pre-deposit cannot be circumvented by not taking recourse to the appropriate alternative remedy(ies) provided under the statutory scheme. Since the petitioner can raise all the issues/pleas, raised herein, before the concerned Appellate Authority, there is no reason or occasion as to why the instant writ petition should be entertained by this Court as a means to bye-pass the statutory remedies.

Faced with the above, learned counsel for the petitioner seeks withdrawal of the present writ petition so as to take recourse to the alternative remedies available to him in accordance with law.

Counsel for respondent No.3 has no objection to the same.

Disposed of as withdrawn with the liberty as aforesaid.

NOVEMBER 27, 2024.
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No