

IA NO. GA /1/2025
WPO No.413 of 2025
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

TECH NIRMAN ISPAT PRIVATE LIMITED & ANR.
VERSUS
DIRECTORATE OF MICRO, SMALL AND
MEDIUM ENTERPRISES & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date : 6th August, 2025.

Appearance:

Mr. Jishnu Saha, Sr. Adv.
Ms. Swapna Choubey, Adv.
Mr. Rishav Banerjee, Adv.
Ms. Anshumala Bansal, Adv.
Mr. Rictik Chowdhury, Adv.
Mr. Bhargav Verma, Adv.
Mr. Aditya Chakraborty, Adv.
Mr. Zeeshan Haque, Adv.

For the petitioners.

Mr. Debangshu Dinda, Adv. [VC]
For the State.

Mr. Jishnu Choudhury, Sr. Adv. [VC]
Mr. Siddhartha Sharma, Adv.
Mr. Shaunak Mitra, Adv.
Mr. Rishav Dutt, Adv.
Mr. Aman Kataruka, Adv.
For the Respondent No.2.

Mr. Ratnanko Banerji, Sr. Adv.
Mr. Deepanjan Dutta Roy, Adv.
Ms. Sanjana Jha, Adv.
For the Respondent No.3.

Mr. Shiv Chandra Prasad, Adv.
Ms. Debjani Ghosal, Adv.
For the Respondent nos.4, 5 & 6.

1. The instant writ petition has been filed, *inter alia*, praying for cancellation of the Micro, Small & Medium Enterprises (MSME) certificate issued in favour of Jagdamba Industries Limited being the respondent no.2 in the instant writ petition.
2. From the report filed by the Joint Director & Head of Office (H.O.O), Micro, Small & Medium Enterprises (MSME)–Development and

Facilitation Office (DFO), Government of India, it appears that Jagdamba Industries Limited was registered under Udyam on 25th August, 2023. The date of incorporation of the unit, as reflected in the Udyam registration certificate, is 25th May, 1993 and the date of commencement of production/business is 5th June, 2001. The unit was registered under Udyam Aadhaar Memorandum on 10th June, 2020. The CIRP proceeding in respect of the unit was initiated on 22nd August, 2023.

3. According to the MSME authority, the cut off date for migration from Udyam Aadhaar Memorandum to Udyam Registration Certificate was 30th June, 2022. As the unit failed to migrate within the cut off date, the validity of the Udyam Registration of the unit on the day of the CIRP proceeding does not arise.
4. From the aforesaid it is noticed that on the day the CIRP proceeding was initiated, the unit did not have proper Udyam Registration Certificate for being treated as an MSME. It has been brought to the notice of the Court that a proceeding before NCLT is pending. The Tribunal will proceed taking note of the above.
5. The writ petition and connected application being GA/1/2025 the stands disposed of.
6. Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all legal formalities.

(AMRITA SINHA, J.)