

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3106 OF 2024

Neeta M. Kotecha

.. Petitioner

**Versus**

The State of Maharashtra and Ors.

.. Respondents

- .....
- Mr. Abhinav Tewari a/w. Mr. Hrutik Chavan, Advocates for Petitioner.
  - Ms. K. N. Solunke, AGP for Respondent – State.
- .....

**CORAM : MILIND N. JADHAV, J.**

**DATE : JULY 02, 2025.**

**P.C.:**

**1.** Heard Mr. Tewari, learned Advocate for Petitioner and Ms. Solunke, learned AGP for Respondent.

**2.** Learned Advocate for Petitioner draws my attention to the impugned order appended at Exhibit “K” – page No.69 of the Petition passed by the Directorate of Industries, Government of Maharashtra, *inter alia*, informing the Petitioner that Micro and Small Enterprises, Facilitation Council (for short ‘MSEFC’) after coming to know about the activity of the Petitioner being “Trading” activity has held the case of the Petitioner to be outside the purview of the jurisdiction of the MSEFC and only on that ground rejected the Application of the Petitioner.

**3.** Precursor to the passing of the said order on 30.09.2022, incidentally is the said MSEFC having issued notice under Section 18(2) of the Micro, Small and Medium Enterprises Development Act, 2006 to the Petitioner calling upon Petitioner to submit all such relevant documents as stated in Notice No.1 dated 16.02.2022 appended at Exhibit “I” – page No.67 of the Petition followed by further notice dated 26.05.2022 appended at Exhibit “J” – page No.68.

**4.** Learned Advocate for Petitioner would submit that Petitioner has duly submitted the entire documentation at the time of hearing. Be that as it may, if the same is already on the record of the MSEFC, the same shall not be insisted upon and if the same is not on record, Petitioner shall submit afresh copies of the entire documentation as stated in the twin notices dated 16.02.2022 and 26.05.2022.

**5.** In so far as the reason for rejection offered by the MSEFC that Petitioner is involved in trading activity, the same is no longer sustainable in view of the decision of the Andhra Pradesh High Court in the case of *M/s. Dalapathi Constructions Vs. State of Andhra Pradesh*<sup>1</sup> as also in view of the agreement between the parties which has been taken into cognizance by this Court at the time of passing of order dated 05.03.2025. This has remained unanswered by the Respondents.

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<sup>1</sup> Writ Petition No.4652 of 2022 – Decided on 5<sup>th</sup> August 2022.

**6.** Be that as it may, case of the Petitioner is not only covered by the decision of the Andhra Pradesh High Court in the case of *M/s. Dalapathi Constructions (Supra)* but also by the decision of this Court in the case of *Shaha and Parikh, Engineers & Contractors Vs. Urmi Trenchless Technology Pvt. Ltd.*<sup>2</sup>. No different view can be taken by this Court therefore and in view thereof the impugned order is not sustainable.

**7.** Order dated 30.09.2022 therefore stands quashed and set aside remanding back Petition No.2352 of 2021 afresh for a fresh decision by MSEFC.

**8.** In view of the aforesaid facts, MSEFC is directed by this Court to hear Petition No.2352 of 2021 afresh strictly in accordance with law and decide the same as expeditiously as possible and in any event within a period of four (4) weeks from the date of presentation of a server copy of this order downloaded from the High Court website before the MSEFC by the Petitioner.

**9.** All contentions of the Petitioner are expressly kept open.

**10.** With the above directions, Writ Petition is disposed.

[ MILIND N. JADHAV, J. ]

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