

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1764 OF 2025

VAIBHAV
RAMESH
JADHAV

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Date: 2025.05.08
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Arar Property Management Services
Through Partner

... Petitioner

V/s.

Micro and Small Enterprises Facilitation
Council, Mumbai & Ors.

... Respondents

Mr. Aslam Khan for the petitioner.

Mr. Ayesha Pinto with Sushrut Desai i/by Saamya
Partners for respondent No.4.

Ms. Sulbha D. Chipade, AGP for the State.

CORAM : AMIT BORKAR, J.

DATED : MAY 7, 2025

P.C.:

1. This writ petition is filed under Articles 226 and 227 of the Constitution of India challenging the legality and propriety of the order dated 3 October 2024 passed by the Micro and Small Enterprises Facilitation Council, Mumbai (hereinafter referred to as "MSEF Council"). By the said order, the MSEF Council has rejected the petitioner's case as filed in Petition No.1592 of 2021. The principal grievance raised by the petitioner is that the impugned order has been passed without granting any opportunity of hearing to the petitioner. Moreover, the order is unreasoned and cryptic, thereby violating the principles of natural justice.

2. On perusal of the impugned order dated 3 October 2024, it becomes evident that there is no reference to the submissions made by the petitioner, nor is there any indication that the petitioner was granted personal or legal hearing before the MSEF Council. The reasons for rejecting the petitioner's case are also conspicuously absent. A quasi-judicial authority like the MSEF Council, while discharging its statutory function, is expected to follow the basic principles of fair play and natural justice, which require affording adequate opportunity of hearing to the parties and passing a reasoned order. The failure to do so vitiates the order.

3. In this regard, reliance placed by the learned Government Pleader or respondent's counsel on the judgment of the Hon'ble Supreme Court in *India Glycols Limited and Another v. Micro and Small Enterprises Facilitation Council, Medchal – Malkajgiri and Others*, 2023 SCC OnLine SC 1852, is misplaced. In the present case, however, the situation is materially different. Here, there is a complete absence of hearing and recording of reasons. Therefore, the ratio laid down in the case of *India Glycols* would not apply to the facts of this case.

4. In view of the above discussion, the impugned order dated 3 October 2024 passed by the MSEF Council is quashed and set aside, being violative of the principles of natural justice.

5. Consequently, Petition No.1592 of 2021 is restored to the file of the MSEF Council.

6. The MSEF Council is directed to afford due opportunity of

hearing to both sides, namely, the petitioner and the respondent, and thereafter pass a reasoned order on merits, within a period of eight weeks from the date of receipt of this order.

7. It is also pointed out by the learned counsel for the petitioner that in proceedings, the petition number has been wrongly recorded as Petition No.1592 of 2020, whereas the correct number is Petition No.1592 of 2021. The Registry of respondent No. 1 shall take corrective steps in that regard and ensure uniformity in reference to the case number.

8. The writ petition stands disposed of. No costs.

9. Pending interlocutory application(s), if any, stand disposed of.

(AMIT BORKAR, J.)