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W.P.No.29748 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2025

CORAM:

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No.29748 of 2025

Rod Wheel Technologies Pvt Ltd.,
W-9, Thiru.Vi.Ka Industrial Estate,
Water Works Road, Guindy,
Chennai 600 032.
Rep. By its Managing Director
Mr.N.Prabhakaran

... Petitioner

Vs

1. Micro and Small Enterprises
Facilitation Council,
Chennai Region,
rep.by its Secretary /
Regional Joint Director of Industries
and Commerce,
A30, Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai 600 032.

2. The Singareni Collieries Company Ltd.,
No.8, Incline Colony, Godavarikhani,
Peddapalli T.S.Khammam,
Telengana – 505 211.

... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus to direct the 1st respondent to fix an early date for final hearing and for the expeditious disposal of case No.MSEFC/CR/62/2024 without granting any further adjournment.

For Petitioner : Mr.Rajesh Ramanathan

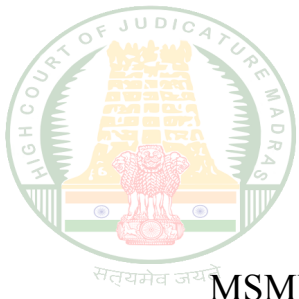
For Respondents : Mr.V.Manoharan
Addl. Government Pleader for R1

ORDER

This writ petition is filed for a writ of mandamus directing the 1st respondent to fix an early date for final hearing and for the expeditious disposal of case No.MSEFC/CR/62/2024.

2. With the consent of both side counsels the main writ petition is taken up for disposal. Since no adverse order is passed against the 2nd respondent, notice to the 2nd respondent is dispensed with.

3. The petitioner is a micro enterprise registered under the



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MSMED Act, 2006 engaged in manufacture and supply of industrial equipment. The petitioner supplied materials/services to the 2nd respondent, pursuant to valid purchase orders. However, despite completion of supplies and submission of invoices, the 2nd respondent defaulted in making payments within the statutorily prescribed period under the MSMED Act. The prolonged delay in payment caused severe financial hardship to the petitioner affecting its day today operations, statutory obligations and other contractual commitments. The petitioner as a micro enterprise with limited financial resources was unable to sustain operations without timely payments. Hence, the petitioner preferred application for recovery before 1st respondent under MSMED Act, which was admitted and numbered as MSEFC/CR/62/2024, as early as on 19.02.2024.

4. The petitioner states that the matter was taken up for hearing multiple times but was repeatedly adjourned for unknown reasons. The petitioner states that the continuous adjournments caused severe financial hardship to the petitioner. The petitioner suspects that repeated



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adjournments probably was a deliberate tactic to frustrate the proceedings. According to the petitioner, repeated adjournments not only put the petitioner in severe financial jeopardy threatening its very survival but also defeated the legislative intent of the MSMED Act. Therefore left with no other remedy the petitioner has approached this Court, by way of this writ petition with the aforesaid prayer.

5. Heard the learned counsels on either side and perused the materials available on record.

6. The records reveal that the petitioner filed a claim/reference to the 1st respondent Council invoking Section 18 of the MSMED Act on 10.02.2024. The said claim/reference was registered as Application No.UDYAM-TN-02-0111641/M/00002. The Micro and Small Enterprises Facilitation Council (MSEFC) duly admitted the petition and assigned Case No.MSEFC/CR/62/2024. Even though the MSEFC has admitted the petition, it is being repeatedly adjourned for various reasons like non-appearance of the respondent or for other administrative



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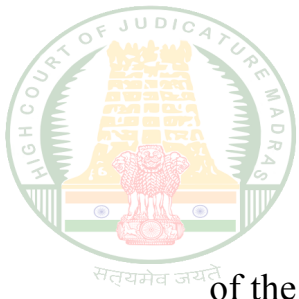
reasons. Upon perusal of the materials placed it is seen that the case was listed on various dates i.e., 12.07.2024, 14.10.2024, 12.03.2025 and 15.07.2025, but every time it was adjourned because of the non-appearance of the respondent or other administrative reasons. The learned counsel for the petitioner placing reliance on Section 18(5) of the MSMED Act submitted that the council was bound to decide the reference within 90 days but despite the lapse of 1 year, the matter was still pending. The counsel submitted that non-adherence to the time line provided under the said provision, defeats the purpose of the Act. Section 18 reads as follows:-

***“Section 18 – Reference to Micro and Small Enterprises
Facilitation Council.***

...

***(5) Every reference made under this section shall be
decided within a period of ninety days from the date of making
such a reference”.***

When the statute mandates a particular time line to be followed, the same has to strictly adhered to. As rightly contended by the petitioner's counsel, non-adherence to the statutory time line defeats the very purpose



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of the legislation. The reasons put forth for the repeated adjournments, do not commend acceptance of this Court. In the absence of any valid or counselling justification, this Court finds merit in the petitioner's contention that such adjournments are a deliberate attempt to protract the proceedings and ultimately frustrate them.

7. In view of the above discussions, this Court is inclined to direct the 1st respondent to dispose of the petitioner's case No MSEFC/CR/62/2024 on merits and in accordance with law within a period of 3 months from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. No costs.

14.08.2025
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dpq
Index: Yes/No
Speaking order / Non speaking order



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To

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N. MALA, J.

dpq

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