



W.P.No.39029 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2025

CORAM

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.39029 of 2024

M/s.Mark Asso.
Rep.by its Partner
T.A.Vijay
Thiruvalluvar Nagar,
NSP Garden,
Veerapandi, Tiruppur.

... Petitioner

VS.

1. Micro and Small Enterprises Facilitation Council,
Coimbatore Region,
Rep.by its Secretary/Regional Joint Director of
Industries and Commerce, No.2, Raja Street,
Coimbatore 641 001.

2. M/s.Kanishka Infra Project Works,
Rep.by its Authorised Persons,
Raju Dharanidharan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the 1st respondent to number and dispose the petitioner's petition dated 10.05.2024 filed under Section 18 of the Micro, Small and Medium Enterprises Development Act, 2006 within a time framed manner.



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For Petitioner : Mr.K.Sudhakar
For R1 : No Appearance
For R2 : Mr.S.Mukunth
Senior Counsel
for Sarvabhauman Asso.

ORDER

The present writ petition has been filed to direct the 1st respondent to number and dispose the petitioner's petition dated 10.05.2024 filed under Section 18 of the Micro, Small and Medium Enterprises Development Act, 2006.

2. It is the case of the petitioner that the he is engaged in the business of trading constructions materials in whole sale and the 2nd respondent purchased the construction materials from him. The 2nd respondent availed credit facility without firm by way of purchasing construction materials on credit basis for 90 days. Thereafter, 2nd respondent failed to repay the same and the petitioner issued demand legal notice to the 2nd respondent. On such receipt of the same, the 2nd respondent did not pay the balance due amount. Hence, the petitioner filed a petition before the 1st respondent under Section 18 of the Micro, Small and Medium Enterprises



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Development Act, 2006 (hereinafter referred to as MSME Act, 2006)

requesting to recover the same from the 2nd respondent and the same is pending. Aggrieved by the same, the petitioner has filed the present writ petition

3. The learned counsel appearing for the petitioner submitted that the petitioner has Udayam registration Certificate under MSME Act, 2006 and was done on 19.06.2021 whereas, the period of supply has taken from 28.01.2020 to 26.03.2022. He further submitted that the part of the supply was done after Udhayam registration dated 19.06.2021. Hence, the authority can consider the petition dated 10.05.2024 under Section 18 of the MSME Act, 2006.

4. Heard the learned counsel for both sides and also perused the materials available on record.

5. In view of the above, the first respondent is directed to number the petition filed by the petitioner dated 10.05.2024 under Section 18 of the MSME Act, 2006 and dispose the same on merits, in accordance with



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J.SATHYA NARAYANA PRASAD, J.

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law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

6. Liberty is given to the petitioner to approach the Civil Court for appropriate remedy in regard to the supply which was made prior to the Udhayam Registration dated 19.06.2021.

7. This writ petition stands disposed of with the above direction.
No costs. Consequently, connected miscellaneous petition is closed.

24.02.2025

Index : Yes/No.
Internet : Yes/No.
Neutral Citation : Yes/No
Speaking : Non-speaking Order
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To

The Secretary/Regional Joint Director of
Industries and Commerce,
Micro and Small Enterprises Facilitation Council,
Coimbatore Region, No.2, Raja Street,
Coimbatore 641 001.

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