

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 05.11.2025****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P.(MD)No.19775 of 2025 AND**  
**W.M.P.(MD)Nos.15216 & 18203 of 2025**

M/s.Subam Papers Ltd.,  
through its Managing Director,  
No.143-146, Vaduganpatti Village,  
Nadukallur to Vettuvankulan Road,  
Manur,  
Tirunelveli District.

... Petitioner

Vs.

1. The Chairperson,  
MSE Facilitation Council,  
Coimbatore Region,  
Coimbatore District.

2. M/s.Jeyam Paper Chemicals,  
No.66, Bazaar Street,  
Velayuthampalayam,  
Karur – 7.

... Respondents

**Prayer:** Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the MSEFS/CBER/236/2022 dated 19.09.2024 impugned order passed by the first respondent and served to this petitioner on 10.05.2025 by registered post and quash the same as void and illegal and thereby directing the first



respondent to make a 'de nova' enquiry afresh, by invoking Section 18 and 19 of the Micro, Small and Medium Enterprises Development Act 2006.

For Petitioner : Mr.F.X..Eugene  
For R-1 : Mr.K.Govindarajan,  
Deputy Solicitor General.  
For R-2 : Mr.K.Samidurai

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### **ORDER**

Heard both sides.

2. The second respondent herein which is a registered small manufacturing enterprise made supplies to the writ petitioner. The petitioner did not make payment as per the invoices. The second respondent thereupon raised a claim before the first respondent Facilitation Council. An award was passed on 20.01.2022. Challenging the same, the petitioner herein filed W.P.(MD)No.18113 of 2022. The award was set aside and the matter was remanded to the file of the first respondent. Thereafter, hearings were held and the impugned award was passed on 19.09.2024 directing the writ



petitioner to pay a sum of Rs.1,36,39,326/- with interest. Challenging the impugned award, this writ petition has been filed.

3. The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. He submitted that the impugned award suffers from procedural lapses.

4. I am not swayed by the said submissions. As rightly pointed out by the learned Deputy Solicitor General appearing for the Facilitation Council and the supported by the learned counsel appearing for the second respondent, this writ petition itself is not maintainable. The Telangana High Court in the decision reported in **2023(3) ALT 809 (The National Small Industries Corporation Ltd., NSIC Vs. The State of Telangana & 6 Others)** had held that mere availability of an alternative remedy of appeal or revision would not oust the jurisdiction of the High Court under Article 226 of the Constitution of India and render a writ petition non-maintainable.

5. In this view of the matter, I hold that the writ petition is



not maintainable. Since the writ petitioner had been laboured under the impression that he can avail the remedy under Article 226 of the Constitution of India, the time period for prosecuting this writ petition will be excluded under Section 14 of the Limitation Act. The petitioner is at liberty to file a petition under Section 34 of the Arbitration and Conciliation Act, 1996. If such a petition is filed within a period of four weeks from the date of receipt of a copy of this order, it shall be entertained without reference to limitation. The petitioner should of course comply with other statutory requirements. This writ petition stands disposed of accordingly. The petitioner is at liberty to withdraw the amount deposited by him to the credit of this writ petition. No costs. Consequently, connected miscellaneous petitions are closed.

**05.11.2025**

NCS : Yes / No

Index : Yes / No

Internet : Yes/ No

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