

CWP-21971-2025

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

(114)

CWP-21971-2025

Date of decision:- 26.09.2025

M/s Narayana Pharmacy

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

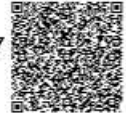
Present:- Mr. Aashish Chopra, Senior Advocate with
Mr. Vivek Sheoran, Advocate and
Mr. Varun Aryan Sharma, Advocate
for the petitioner.

Mr. Deepak Vashisth, Deputy Advocate General, Haryana.

SUVIR SEHGAL, J. (ORAL)

1. *Inter-alia*, challenge in the instant petition filed under Article 226 of the Constitution of India is to an ex-parte report dated 10.11.2023, Annexure P-25, prepared by the expert-respondent No.4, along with all consequential proceedings pending before the Facilitation Council-respondent No.2.
2. Pursuant to orders passed by this Court, State counsel has produced a copy of order dated 26.03.2025 passed by the Facilitation Council, which is reproduced hereunder:-

“The Claimant has invoked the jurisdiction of this Council by way of filing claim application against the respondent under Section 18 read with Sections 15, 16 & 17 of Micro, Small and Medium Enterprises Development Act, 2006 (hereinafter referred to as MSMED Act, 2006). The empanelled expert has submitted his report to the Council mentioning that the respondent initially appeared but failed to make necessary compliance regarding fee and pleadings.



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Further, the expert mentioned that despite knowledge the respondent opted to be non participative and was proceeded against ex-parte. The empanelled expert has recommended to allow the claim of the claimant for the balance amount along with statutory interest and costs.

Today the case is listed before the Council. Both the parties have appeared through their representative counsels. The counsel for the respondent submitted that they had not received the report of the expert and requested for an adjournment to examine the report of the expert. On this the counsel for the claimant raised the objection that several opportunities were availed by the respondent and despite availing opportunities respondent did not file statement of Defence and now the respondent is seeking more time just to delay the proceedings. Although the report has already been shared with the parties, yet in the interest of justice, the Council directed the respondent to collect the copy of the report from the Council and file the objections with a copy in advance to the claimant, if any.

In view of the same, in the interest of justice, the Council unanimously decided to adjourn the matter for the next date of hearing.

Adjourned.

*Sd/-
(Member Finance
(HMSEFC)*

*Sd/-
Member (Legal)
(HMSEFC)*

*Sd/-
Member Secretary
(HMSEFC)*

*Panchkula
Dated: 26.03.2025”*

3. Upon instructions, State counsel submits that the impugned report dated 10.11.2023 is being treated as a recommendatory report by the Facilitation Council and its copy has been supplied to the petitioner. He states that objections, if any, have been invited from the petitioner, which have not been filed so far.

4. As the impugned report is being treated as recommendatory in nature, this Court is not inclined to interfere with the said report at this stage. An opportunity has been given to the petitioner to submit objections.

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5. In view thereof, there is no merit in the writ petition, which is dismissed with no order as to costs. However, petitioner is at liberty to file objections, if any, and take all pleas available to him in accordance with law before the Facilitation Council.

6. It is clarified that Facilitation Council shall proceed in accordance with the mandate of MSMED Act, 2006 uninfluenced by the fact that this Court has declined the challenge to the impugned report.

(SUVIR SEHGAL)
JUDGE

26.09.2025

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No