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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5101/2025 and CM APPL.23342/2025

BHARAT SANCHAR NIGAM LIMITEDPetitioner

Through: Mr. Dinesh Agnani, Sr. Adv., Ms.
Leena Tuteja, Adv.

versus

**UNION OF INDIA THROUGH MINISTRY MICRO SMALL AND
MEDIUM ENTERPRISE & ORS.**Respondents

Through: Mr. Vikram Jetly, CGSC and Ms.
Shreya Jetly, Adv. for R-1.
Ms. Harshita Nathrani, Adv. for Mr.
Sameer Vashisht, SC, (Civil)
GNTCD.
Mr. Sukumar Pattjoishi, Sr. Adv. and
Mr. Naveen Chawla, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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26.05.2025

1. The grievance articulated by the petitioner in the present petition is that the respondent no. 3 had submitted a Memorandum for Registration under the provisions of Micro, Small and Medium Enterprises Development Act, 2006 (hereinafter referred to as '*MSMED Act*') on 18.07.2016 when the gross investment in Plant and Machinery as per its audited balance sheet/financial statement was more than Rs. 5 Crores. As such, it is submitted by the petitioner that the respondent no. 3 at that point of time did not fall under the definition of 'Small Enterprises' as classified under Section 7 of the MSMED Act on the said date.
2. Consequently, the following prayers have been sought by the petitioner in the present petition:



“a) Issue an appropriate writ / order / direction in the thereby directing the Respondent Nos. 1 and to investigate and enquire into the Udyam Aadhaar Registration DL0 1 B0000979 of the Respondent No.3 issued under the provisions of MSMED Act, 2006 and the documents that were submitted by Respondent no.3;

b) Issue appropriate writ, order/direction to the Resp. No.1 & 2 to decide the Complaint dated 24.02.2025 made by the Petitioner in a time bound manner after giving hearing to the Petitioner.”

3. The aforesaid submission is strongly refuted by learned senior counsel for the respondent no. 3.

4. Learned Standing Counsel for the respondent no. 1 / Ministry Micro, Small and Medium Enterprise rightly points out that the present petition is not maintainable, inasmuch as the said Ministry has issued a notification dated 26.06.2020 in exercise of powers conferred by Sections 7(1) read/with 7(9) and Sections 8(2) read/with 8(3) of MSMED Act, which provides for facilitation and redressal of grievance raised by enterprises as under:

“9. Facilitation and grievance redressal of enterprises.-

(1) The Champions Control Rooms functioning in various institutions and offices of the Ministry of Micro, Small and Medium Enterprises including the Development Institutes (MSME-DI) shall act as Single Window System for facilitating the registration process and further handholding the micro, small and medium enterprises in all possible manner.

(2) The District Industries Centres (DICs) will also act as Single Window facilitation Systems in their Districts.

(3) Any person who is not able to file the Udyam Registration for any reason including for lack of Aadhaar number, may approach any of the above Single Window Systems for Udyam Registration purposes with his Aadhaar enrolment identity slip or copy of Aadhaar enrolment request or bank photo pass book or voter identity card or passport or driving licence and the Single Window Systems will facilitate the process including getting an Aadhaar number and thereafter in the further process of Udyam Registration.

(4) In case of any discrepancy or complaint, the General Manager of the District Industries Centre of the concerned District shall undertake



an enquiry for verification of the details of Udyam Registration submitted by the enterprise and thereafter forward the matter with necessary remarks to the Director or Commissioner or Industry Secretary concerned of the State Government who after issuing a notice to the enterprise and after giving an opportunity to present its case and based on the findings, may amend the details or recommend to the Ministry of Micro, Small or Medium Enterprises, Government of India, for cancellation of the Udyam Registration Certificate.”

5. Learned counsel for the petitioner submits that the petitioner has availed the remedy of making a representation to the concerned authority mentioned in the aforesaid stipulation for redressal of its grievance; however, to no avail.
6. After some hearing, learned senior counsel for the petitioner seeks leave to withdraw the present petition with liberty to once again make an appropriate representation before the concerned authority in terms of the aforesaid stipulation.
7. Needless to say, as and when the petitioner submits an appropriate application / representation under the aforesaid stipulation, the concerned authority i.e. Office of General Manager, District Industrial Centre, Central Delhi, would duly consider the same and pass a reasoned order thereon. If warranted, an opportunity of hearing shall also be provided to the petitioner and the respondent no.3.
8. Let the aforesaid exercise be completed within a period of eight weeks from today under intimation to the petitioner and the respondent no. 3.
9. The present petition is, accordingly, disposed of in the above terms.

MAY 26, 2025/cl

SACHIN DATTA, J