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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7833-2026

Date of decision: 16.03.2026

VIKAS ARORA

...Petitioner(s)

VERSUS

MICRO AND SMALL ENTERPRISES FACILITATION COUNCIL AND
ANOTHER

...Respondent(s)

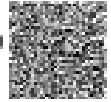
CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Simranjit Singh Makkar, Advocate and
Mr. Aman Mittal, Advocate for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present Civil Writ Petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing respondent No.1 to decide the reference/claim petition dated 03.10.2025 (Annexure P-1) filed by the petitioner under Section 18 of the Micro, Small and Medium Enterprises Development Act, 2006 (hereinafter referred to as 'the Act of 2006'), within the stipulated period as provided under Section 18(5) of the Act.

2. Learned counsel for the petitioner submitted that the petitioner filed a reference/claim petition before the Micro and Small Enterprises Facilitation Council on 03.10.2025 but the same has not yet been decided and as per Section 18(5) of the Act of 2006, the same has to be decided within a period of 90 days, which has already expired and therefore, the present petition has



been filed seeking a direction to the Facilitation Council to decide the said reference/claim petition.

3. I have heard the learned counsel for the petitioner.

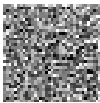
4. The provision of Section 18(5) of the Micro, Small and Medium Enterprises Development Act, 2006, is reproduced as under:-

“18(5) Every reference made under this section shall be decided within a period of ninety days from the date of making such a reference.”

5. The only ground for filing the present writ petition is that the period of 90 days has expired and in view of Section 18(5) of the Act of 2006, the reference/claim petition has to be decided within a period of 90 days but the same has not been decided by the Facilitation Council. This Court is of the considered view that the present petition is liable to be dismissed in view of the fact that the question of law as to whether the aforesaid provision is directory or mandatory is still pending before Hon'ble Supreme Court in SLP (C) No.17633 of 2025, titled as M/s Vast India Private Limited versus Maharashtra Public Service Commission.

6. Apart from the above, a Coordinate Bench of this Court in CWP-9580-2023, titled as Avnish Chowdhary Prop. M/s Sukh Sadan Hospital, Dalhousie Road, Pathankot and another versus District Level MSME Facilitation Council, Jalandhar and others, decided on 07.07.2023 has observed that the aforesaid provision is not mandatory but directory in nature.

7. No such direction can be issued by the High Court in exercise of its powers under Articles 226 and 227 of the Constitution of India, particularly in



view of the fact that after the expiry of 90 days, only about two months have elapsed.

8. Moreover, the petitioner has not even attached any zimni orders, if at all passed by the Facilitation Council, to ascertain as to who was at fault for the aforesaid delay, if any.

9. Consequently, the present Civil Writ Petition is dismissed.

(JASGURPREET SINGH PURI)
JUDGE

16.03.2026
Chetan Thakur

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No