

HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

MAIN CASE: **WRIT PETITION No.595 of 2024**

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
1.	09.1.2024	<u>NJS, J</u> <u>W.P. No.595 of 2024</u> Heard Mr.K.Srinivasa Rao, learned counsel for the petitioner, who made submissions with reference to the various contentions raised in the writ petition. He contends that though a specific plea was taken in the counter filed in the Claim Petition before the respondent No.1 that the respondent No.2 was not registered as Micro/Small/Medium Enterprise by the date of Letter of Intent dated 12.2.2013 or the Work Order dated 21.2.2023 and that the respondent No.2 was registered under the provisions of the Micro, Small and Medium Enterprises Development Act, 2006 (for short, "the Act") on 20.11.2015 and as such the respondent No.1 has no jurisdiction, the respondent No.1, without considering the same in proper perspective, vide Orders dated 22.11.2023 passed the interim award directing the petitioner to release the performance bank guarantee of the respondent No.2 to a tune of Rs.88,71,760/-. Referring to the provisions of the Act i.e., Section 2(n) etc., he submits that the respondent No.2 would not fall within the definition of	

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		<i>“supplier”</i>. He also submits that the respondent No.2 failed to comply with the provisions of Section 8(1)(i) and (ii) of the Act, though it was in existence from 2004. Relying on the decision of the Hon’ble Supreme Court in Silpi Industries vs. KSRTC, 2021 SCC OnLine SC 439, he submits that as the respondent No.2 has not obtained registration as on the date of letter of intent, the provisions of the Act cannot be made applicable with retrospective effect and the respondent No.1 had passed the interim award contrary to the settled legal position. The matter requires consideration, in the light of the contentions raised. List the matter on 06.2.2024. Considering the submissions made, there shall be interim stay of all further proceedings in Reference No.21C/IFC/2021/1967, dated 28.8.2021, and there shall be interim suspension of the operation of the Order dated 22.11.2023 passed in Case No.21C/IFC/2021/1967. Issue notice to respondent No.2. Learned counsel for the petitioner is permitted to take out personal notice on respondent No.2 by registered post with acknowledgement due and file proof of service in the Registry, by the date of next adjournment. NJS, J <i>vasu</i>	
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