



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3329]

**TUESDAY ,THE SIXTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE SRI JUSTICE VENKATESWARLU
NIMMAGADDA**

WRIT PETITION NO: 17167/2024

Between:

Board Of Visakhapatnam Port Authority

...PETITIONER

AND

The Union Of India and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1. RAVITEJA PADIRI

Counsel for the Respondent(S):

1.

The Court made the following:

INTERIM ORDER:**WRIT PETITION NO: 17167/2024**

Notice before admission.

Learned counsel for the petitioner is permitted to take out personal notice to respondent Nos. 2 and 3 by registered post with acknowledgement due and file proof of service in the Registry.

List the matter after four (04) weeks.

I.A.No.1 of 2024

Heard learned counsel for the petitioner and learned Standing Counsel for the respondent No.1.

It is represented by learned counsel for the petitioner that this Court in W.P.No.27670 of 2021, while allowing the writ petition filed by RINL held that that the MSME Council has no jurisdiction to entertain the claims made by the company, to which contract has been allotted. Learned Judge further held that “the contracts are works contracts with an element of supply and not merely supply and service contracts. The contractors have also not filed the memorandum U/s.8 of Act 27 of 2006 as held in the

case of ***Silpi Industries etc., Vs. Kerala State Road Transport Corporation and another¹***.”

It is represented by learned counsel for the respondents that the said order is challenged before the Hon’ble Division Bench of this Court in Writ Appeal Nos.657 of 2022 and batch, and is pending consideration.

Having regard to the facts and circumstances of the case, this Court *prima facie* is of the opinion that the 2nd respondent – APMSEFC ought not to have initiated the proceedings under Section 18 of the MSMED Act.

Accordingly, there shall be an interim stay of proceedings bearing Ref.No.21C/IFC/2015/9442, dated 31.08.2021 issued by the Andhra Pradesh Micro and Small Enterprises Facilitation Council, Mangalagiri, for a period of four (4) weeks.

VENKATESWARLU NIMMAGADDA, J

Dated:06.08.2024

NOTE: C.C by 07.08.2024

(B/o)

BSP

¹ 2021 SCC Online SC 439