

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 7917 of 2025**

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GUJARAT BUILDING AND OTHER CONSTRUCTION WORKERS
WELFARE BOARD

Versus

THE MICRO AND SMALL ENTERPRISE FACILITATION COUNCIL & ANR.

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Appearance:

MR AD OZA for MR MEET A SHAH(9933) for the Petitioner

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CORAM: HONOURABLE MR. JUSTICE NIRAL R. MEHTA

Date : 18/06/2025

ORAL ORDER

1. Heard Mr.A.D.Oza learned advocate for Mr.Meet Shah for the petitioner.

2. Mr.A.D.Oza learned advocate petitioner, submitted that the respondent No.2 herein, at the time of execution of contract dated 29.11.2016, not registered under the Micro, Small and Medium Enterprises Development Act, 2006 (for short 'the Act'). Mr.Oza further submitted that the very respondent earlier approached this Court for a dispute relating to the present contract by way of SCA No.2426 of 2019 and the same was disposed of vide order dated 25.2.2019 wherein, the counsel appearing for the petitioner sought permission to approach the concerned authority for redressal of his grievance and stating further that in case of difficulty, they would approach the civil court.

2.1 Mr.Oza further pointed out that soon thereafter, the respondent No.2 obtained the registration under the Act on

26.8.2020, only with a view to take benefit of the provisions of the Act.

2.2 Mr.Oza has placed reliance on the decision of the Apex Court in the case of Gujarat State Civil Supply Corporation Ltd. v. Mahakali Foods Services Pvt. Ltd., Unit-2 & Anr., reported in 2022 (0) AIJEL-SC-70024, to contend that a party who was not the supplier as per Section 2(n) of the Act on the date of entering into the contract, cannot seek any benefit as the supplier under the said Act. Mr.Oza also relied upon the decision of the Apex Court in the case of Silpi Industries etc. v. Kerala State Road Transport Corporation, reported in (2021) (0) AIJEL-SC-67481.

3. Considering the submissions made by learned advocate for the petitioner and the decisions of the Apex Court referred to above, the matter requires consideration.

4. Issue Notice returnable on 24.7.2025.

5. Ms.Prachiti Shah learned advocate submitted that she has instructions to appear on behalf of respondent No.2 and waives service of notice on behalf of respondent No.2.

6. In the meantime, there shall be ad-interim relief in terms of Para.10(C).

Direct service is permitted.

(NIRAL R. MEHTA,J)

V.J. SATWARA