

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
THURSDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE ✓

AND

THE HONOURABLE SRI JUSTICE ANIL KUMAR JUKANTI ✓

WRIT PETITION NO: 18773 OF 2024

Between:

M/s SRP Minerals Pvt. Ltd, A company registered under the Companies Act, 2013, Having its Regd. Office at Villa No.305, Breezy Farms and Resorts, Surangal Village, Moinabad, Ranga Reddy District, T.Jangana State, Rep. by its Managing Director.

Petitioner

AND

1. Union of India, represented by its Secretary to the Government, Ministry of Law and Justice, Department of Legal Affairs, Sastri Bhavan New Delhi 110 001.
2. The Medium and Small Enterprises Facilitation Council (MEEFC), S27-28, Integrated District Offices Complex, Raigiri, Bhongir, Telangana State - 508116, Rep. by its Authorized Officer/Authority.
3. M/s. N R Consultants Planners India Pvt. Ltd., Flat No. 901 to 905, Taramandal Complex, 9th Floor, Saifabad, Hyderabad, rep. by its Managing Director.

Respondents

WHEREAS the Petitioner above named through his Advocate SRI SRIKANTH KAVETI presented this Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order, or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.2 in accepting/admitting the dispute/claim raised by the respondent No.3 against the petitioner and initiating arbitration proceedings in Samadhan Case No.TS/02/S/YBR/00034 and further action of the respondent No.2 in forfeiting the right of the petitioner herein to file counter claim petition against respondent No.3 herein in Samadhan Case No.TS/02/S/YBR/00034 and proceeding to make arbitral award on the other evidence before it vide order dated 29.05.2024 and the order of the 2nd respondent dated 29.05.2024 in rejecting the application of the petitioner herein filed under Section 16 of the Arbitration and Conciliation Act, 1996 regarding the maintainability of the claim of the respondent No.3 and the jurisdiction of the 2nd respondent to entertain the subject claim/dispute under the MSMED Act, 2006, is arbitrary, illegal, unjust, contrary to law, without jurisdiction, without proper appreciation of the facts and material available on record, bad/in law, vitiated by fraud played by the 3rd respondent on the petitioner, contrary to the judgments of this Hon'ble Court as well as the Honble Apex Court, violative of the Fundamental Rights guaranteed under the Constitution of India and consequently set aside the

aforesaid orders dated 29.05.2024, apart from setting aside the arbitration proceedings in Samadhan Case No.TS/02/S/YBR/00034 pending before the 2nd respondent;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri SRIKANTH KAVETI Advocate for the Petitioner, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. Secretary to the Government, Union of India, Ministry of Law and Justice, Department of Legal Affairs, Sastri Bhavan New Delhi 110 001.
2. Authorized Officer/Authority, The Medium and Small Enterprises Facilitation Council (MEEFC), S27-28, Integrated District Offices Complex, Raigiri, Bhongir, Telangana State - 508116.
3. The Managing Director, M/s. N R Consultants Planners India Pvt. Ltd., Flat No. 901 to 905, Taramandal Complex, 9th Floor, Saifabad, Hyderabad.

are directed to show cause the case stands posted as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all Further proceedings in arbitration proceedings in Samadhan Case No.TS/02/S/YBR/0034 pending before the 2nd respondent, pending disposal of WP No. 18773 of 2024, on the file of the High Court.

The Court made the following:

ORDER

Mr. Srikanth Kaveti, learned counsel for the petitioner.

Heard on the question of admission.

Learned counsel for the petitioner submits that the writ petition involving similar issue has been entertained and an *ad interim* order has been granted.

In support of the aforesaid submission, reference has been made to the order dated 26.04.2024 passed in W.P.No.11193 of 2024.

In view of the aforesaid submission, issue notice to the respondents.

In the meanwhile, further proceedings in arbitration proceedings in Samadhan Case No.TS/02/S/YBR/00034 shall remain stayed.

List for analogous hearing along with W.P.No.11193 of 2024.

SD/- K. SREERAMA MURTHY
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. Secretary to the Government, Union of India, Ministry of Law and Justice, Department of Legal Affairs, Sastri Bhavan New Delhi 110 001.
2. Authorized Officer/Authority, The Medium and Small Enterprises Facilitation Council (MEEFC), S27-28, Integrated District Offices Complex, Raigiri, Bhongir, Telangana State - 508116.
3. The Managing Director, M/s. N R Consultants Planners India Pvt. Ltd., Flat No. 901 to 905, Taramandal Complex, 9th Floor, Saifabad, Hyderabad. (RR 1 to 3 by RPAD- along with a copy of petition and affidavit)
4. One CC to SRI. SRIKANTH KAVETI Advocate [OPUC]
5. One CC to SRI. GADI PRAVEEN KUMAR, DSSGI Advocate [OPUC]
6. Two spare copy

HIGH COURT

**HCJ
&
JAKJ**

DATED:18/07/2024

List for analogous hearing along with W.P.No.11193 of 2024.

NOTICE BEFORE ADMISSION

WP.No.18773 of 2024

STAY

