



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

**CIVIL APPLICATION (W) NO. 3462 OF 2023 IN
WRIT PETITION NO. 2874 of 2012**

Morarjee Textiles Ltd. vs. Union of India and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Anand Parchure, Advocate for petitioner.
Shri A. J. Bhoot, Advocate for applicant/respondent no.3.

**CORAM :- NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.
DATE :- 22nd JANUARY 2024.**

We have concluded the hearing of the matter and posted the same today for passing the order.

2. In support of the prayers in these writ petitions, the respondent has relied on the clarification dated 01.08.2007 issued by the Government of India wherein the Government of India has issued instructions for the purpose of removal of difficulties in giving effect to the provisions of the Micro, Small and Medium Enterprises Development Act, 2006 (for short, MSMED Act). Instruction No.3 reads as under:

“3. To summarise the whole issue:

(i) For micro and small enterprises and for medium enterprises rendering service there is no limitation of 180 days from 2 October 2005 for filing of EM. It is voluntary for them and these enterprises can file EM anytime they decide to do.

(ii) The kind of enterprises, mentioned in para 1 of this letter and which could not file the EM within 180 days from 2 October, 2006, may be allotted to file EM as they have not been debarred from filing of EM after 180 days in MSMED Act, 2006.”



3. In aforesaid background, while drawing support from the provisions of Section 8 of the MSMED Act, the counsel for the respondent in the writ petition i.e. applicant in the application for dismissal of the writ petition would urge that the period of 180 days of re-registration is not mandatory and by virtue of deeming fiction, the respondent no.3 shall be entitled to enjoy protection and privileges under the aforesaid Act as it being earlier registered as Small Scale Industry.

4. Both the counsel seek time to address the Court on the aforesaid issue.

5. Stand over to 25.01.2024.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

Andurkar.