



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 330 of 2024

Executive Engineer, Electrical Stores Appellant
Division, Berhmapur

Mr. Suresh Chandra Das, Advocate
-versus-

M/s. Laxmi Industries and others Respondents

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MISS JUSTICE SAVITRI RATHO

Order No.

ORDER
10.09.2024

01. This matter is taken up through Hybrid mode.
2. Heard Mr. Suresh Chandra Das, learned counsel appearing on behalf of the appellant.
3. Mr. Dash has placed reliance on the Supreme Court's decision in case of *Jharkhand Urja Vikas Nigam Limited v. The State of Rajasthan; (2021) 19 SCC 206*, in support of his plea that the Micro and Small Enterprise Facilitation Council (MSEFC) has not followed the procedure prescribed under the Arbitration & Conciliation Act, 1996 which is the mandate of Section 18 of the Micro, Small and Medium Enterprises Development Act, 2006 (in short 'the Act'). He has accordingly submitted that the learned Single Judge erred in directing the appellant to invoke Section 19 of the Act to assail the order of the Council.



4. After having gone through the impugned order passed by the learned Single Judge and other materials available on record, we find substance in the submission advanced on behalf of the appellant.

5. Issue notice to the respondents by Registered/Speed Post with A.D., making it returnable before the next date, requisites for which shall be filed within a week.

6. List this matter on 29.10.2024.

I.A. No.739 of 2024

7. We direct that the effect of the order dated 30.12.2020 passed by the Council in MSEFC Case No.40 of 2019 shall remain in abeyance till the next date.

(Chakradhari Sharan Singh)
Chief Justice

(Savitri Ratho)
Judge

S. Behera