

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).16023/2013

(From the judgement and order dated 20/11/2012 in WP No.7805/2011
of The HIGH COURT OF MADRAS)

M/S CEMENT CORP. OF INDIA

Petitioner(s)

VERSUS

M/S MICRO & SMALL ENTERPRISES & ANR.

Respondent(s)

(With prayer for interim relief and office report)

Date: 01/07/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. Hiren P. Raval, Sr. Adv.
Mr. Rahul Mangla, Adv.
Mr. Sandeep Gupta, Adv.
Mr. Arvind Kumar Gupta, Adv.

For Respondent(s) Mr. K. Swami, Adv.
Mr. Nikhil Swami, Adv.
Mrs. Prabha Swami, Adv.

UPON hearing counsel the Court made the following
O R D E R

At the outset, Mr. Hiren P. Raval, learned senior counsel for the petitioner, submits that petitioner is not desirous of challenging the constitutional validity of the Micro, Small and Medium Enterprises Development Act, 2006 (for short, '2006 Act') and, in view thereof, Union of India has not been impleaded as party respondent.

We accept the statement.

In view of above, the challenge to 2006 Act does not survive.

Issue notice.

Mrs. Prabha Swami, advocate, waives service for respondent No. 2 - M/s Norton Polymers Ltd.

Notice shall be sent to unrepresented respondent No. 1 only.

Dasti, in addition to ordinary process, is permitted.

In the meanwhile, subject to deposit of 50% of the amount as per the Award dated July 31, 2010 by the petitioner with the Registry of this Court within six weeks from today, the recovery of remaining amount shall remain stayed.

Upon deposit of the aforesaid amount, it will be open to respondent No. 2 - M/s Norton Polymers Ltd. - to withdraw the same on furnishing bank guarantee to the satisfaction of the Registrar (J-II).

In case the bank guarantee is not furnished within four weeks of intimation of deposit, Registry shall invest the said amount in a fixed deposit initially for a period of six months to be renewed thereafter for the same period until further orders.

Connect with S.L.P. (Civil) No. 37551 of 2012 - J.K. Tyre & Industries Ltd. Vs. Micro & Small Enterprises Facilitation Council and Another.

| (Rajesh Dham)
| Court Master

| | (Renu Diwan)
| | Court Master

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