

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No. 3776/2023

[Arising out of impugned final judgment and order dated 07-12-2022 in WA No. 2079/2022 passed by the High Court of Judicature at Madras]

M/S TAMIL NADU CEMENTS CORPORATION LIMITED

Petitioner(s)

VERSUS

MICRO AND SMALL ENTERPRISES FACILITATION
COUNCIL AND ANOTHER

Respondent(s)

(IA No. 90490/2023 - APPLICATION FOR PERMISSION, IA No. 26306/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 26308/2023 - PERMISSION TO FILE SLP WITHOUT CERTIFIED/PLAIN COPY OF IMPUGNED ORDER

Date : 22-01-2025 This matter was called on for pronouncement of judgment today.

For Petitioner(s) :

Mr. K Radhakrishnan, Sr. Adv.
Mr. K.V. Jagdishvaran, Adv.
Ms. G. Indira, AOR
Mr. P. Gandepan, Adv.
Mr. Ashwini Kumar, Adv.

For Respondent(s) :

Mr. Om Prakash, Sr. Adv.
Ms. Mrinal Kanwar, AOR
Ms. Kirti Leela Ratnam, Adv.
Mr. Punit Manoj Agarwal, Adv.
Mr. Vaibhav, Adv.

Hon'ble The Chief Justice pronounced the judgment of the Bench comprising His Lordship, Hon'ble Mr. Justice Sanjay Kumar and Hon'ble Mr. Justice Manmohan.

Permission to file the special leave petition without certified/plain copy of the impugned order is granted.

Leave granted.

In terms of the signed reportable judgment, the following questions raised in the present appeal are referred to a larger Bench of five Judges, namely:

(i) Whether the ratio in *M/s India Glycols Limited* (supra) that a writ petition could never be entertained against any order/award of the MSEFC, completely bars or prohibits maintainability of the writ petition before the High Court?

(ii) If the bar/prohibition is not absolute, when and under what circumstances will the principle/restriction of adequate alternative remedy not apply?

(iii) Whether the members of MSEFC who undertake conciliation proceedings, upon failure, can themselves act as arbitrators of the arbitral tribunal in terms of Section 18 of the MSMED Act read with Section 80 of the A&C Act?

The first and second question will subsume the question of when and in what situation a writ petition can be entertained against an order/award passed by MSEFC acting as an arbitral tribunal or conciliator.

The Registry is directed to place the file in the present case

and the file in *NBCC (India) Ltd. v. The State of West Bengal and Others*,¹ along with Transfer Petition (Civil) No. 980/2020, titled "*The Tamil Nadu Cements Corporation Limited v. Union of India & Ors.*" and C.A. Nos. 8885-8886/2014, titled "*M/s. Tamil Nadu Medicinal Plant Farms and Anr. v. Union Of India and Ors.*" and other connected matters before the Chief Justice so that an appropriate decision can be taken on the administrative side for constitution of a larger Bench in the present case.

(DEEPAK GUGLANI)
AR-cum-PS

(R.S. NARAYANAN)
ASSISTANT REGISTRAR

(signed reportable judgment is placed on the file)

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