

ITEM NO.22

COURT NO.7

SECTION XII

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(s). 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 LTD

Petitioner(s)

VERSUS

MICRO AND SMALL ENTERPRISES FACILITATION  
COUNCIL & ANR.

Respondent(s)

( 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 : 17-02-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA  
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s)

Mr. Maninder Singh, Sr. Adv.  
Mr. K.v.jagdishvaran, Adv.  
Mr. Harnaman Singh, Adv.  
Mr. Gandeepan, Adv.  
Mr. Ashwini Kumar, Adv.  
Mr. Prabhas Bajaj, Adv.  
Ms. G. Indira, AOR

For Respondent(s)

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

It is stated that the impugned judgment passed by the High Court dismissing the Writ Appeal dated 07.12.2022 has not yet been uploaded on the website.

Our attention is drawn to Annexure P-37 of the paper book, which is an order dated 04.06.2016 passed by the Micro and Small Enterprises Facilitation Council, Coimbatore Region. The order observes that the petitioner herein was free to approach the Council for arbitration as conciliation had failed. Thereafter, the order refers to Sections 15 and 16 of the Micro, Small and Medium Enterprises Development Act, 2006 and has held that the present petitioner is liable to pay the amounts specified therein.

It is submitted by the learned Senior Advocate appearing on behalf of the petitioner that there are contradictions in the order. He also relies upon the judgment of this Court dated 15.12.2021 in Civil Appeal No. 2899 of 2021 titled "*Jharkhand Urja Vikas Nigam vs. State of Rajasthan and Others*".

Further, the petitioner has already deposited Rs. 4.41 Crores and Rs. 1.5 Crores has been released to Respondent No. 1.

Issue notice, returnable in the month of May 2023.

Notices would be served by all modes, including dasti.

Till next date of hearing, there will be stay of the execution proceedings.

(BABITA PANDEY)  
COURT MASTER (SH)

(R.S. NARAYANAN)  
COURT MASTER (NSH)