

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

2025:PHHC:044816



(274)

CWP-30355-2024

Date of Decision: 02.04.2025

M/s ARS Traffic and Transport Technology Pvt. Ltd. --Petitioner

Versus

State of Haryana & others --Respondents

CORAM:- HON'BLE MR. JUSTICE KULDEEP TIWARI.

Present:- Mr. Sourabh Goel, Sr. Standing Counsel
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Saurav Sharma, Advocate for respondent no.4.

KULDEEP TIWARI.J (Oral)

1. The instant petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of a writ of Certiorari for quashing the Conclusive/Determinative Expert Report/Recommendations dated 15.05.2024 (Annexure P-6) given by respondent no.3 in a reference dated 26.07.2022 (Annexure P-5) under Section 18 of the Micro, Small and Medium Enterprises Act, 2006 (for short MSME Act, 2006).

2. The basic grievance of the petitioner is that it was never given an opportunity to file objections to the recommendations (supra), and writ jurisdiction of this Court is invoked on the premise that since the claimant does not possess the requisite registration on the date of execution of agreement between the petitioner and respondent no.4.

3. Upon notice, reply on behalf of respondent no.4, has been filed. Today learned State counsel appearing on behalf of respondents no.1 and 2 has placed on record the interim order passed by the Haryana MSME Council in its meeting held on 12.09.2024, whereby, the matter was adjourned with liberty to the petitioner to file objections to the report of the expert. The relevant extract of the same is reproduced hereunder:-

“The Claimant has invoked the jurisdiction of this Council by way of filing claim application against the respondent under Section 18 read with Sections 15, 16 & 17 of Micro, Small and Medium Enterprises Development Act, 2006 (hereinafter referred to as MSMED Act, 2006). The empanelled expert has submitted his report to the Council mentioning that the parties have appeared and duly contested the case. The expert has examined the matter and recommended to allow the claim of the claimant along with statutory interest and cost.

Today both the parties appeared before the Council. The counsel appearing on behalf of the respondent submitted that they had not received the report of the expert. Although the report has been sent to the concerned parties through email, yet, in the interest of justice, the Council unanimously decided to adjourn the matter giving an opportunity to the respondent to collect the report of the empanelled expert and file written objections, if any, in respect of the report of the expert. A copy of the same shall be shared with the claimant in advance and the claimant shall file replication, if any, in advance by serving a copy of the same to the respondent.”

4. It is further submitted that in pursuance to the interim order, the petitioner has liberty to file objections, and he can raise all the submissions by availing the remedy of filing objections.

5. Learned counsel for the petitioner submits that petitioner will submit its objections with regard to the maintainability of the proceedings before the MSME Council, within a period of 15 days from today and thereupon, Mandamus may be passed upon respondents no.1 and 2, to decide the same by passing a speaking order.

6. The request of the petitioner is accepted.

7. In view of the above, present writ petition is disposed of by relegating the petitioner before respondent no.2. In case the petitioner files its objections before respondent no.2, the competent authority shall decide the same after passing a speaking order thereon, in accordance with law.

8. Petition is **disposed of** in the above terms.

02.04.2025

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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No