

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**

MONDAY, THE SEVENTH DAY OF MARCH TWO THOUSAND AND TWENTY
TWO

**:PRESENT:
THE HONOURABLE SMT JUSTICE P.MADHAVI DEVI**

WRIT PETITION NO: 11487 OF 2022

Between:

JAWAHARLAL NEHRU TECHNOLOGICAL UNIVERSITY-HYDERABAD, Ashok Nagar, KPHB Colony, Kukatpally, Hyderabad-500085, Telangana State, Represented by its Registrar.

Petitioner

AND

1. THE STATE OF TELANGANA, Represented by its Principal Secretary, General Administration Department (Industries and Commerce), BRBK Bhawan, Secretariat Building, Hyderabad, Telangana State.
2. THE MICRO and SMALL ENTERPRISES FACILITATION COUNCIL - RANGA REDDY REGION, 4th Floor, Spoorthy Bhavan, Ranga Reddy District Collectorate, Lakdikapul, Hyderabad, Telangana State, Represented by its Chairman
3. M/s. COEMPT EDU TECK PRIVATE LIMITED, (Formerly known as Globarena Technologies Private Limited) Office at 8-2-700/A, 4th Floor, Building Shiv Shakthi Towers, Road No.12, Banjara Hills, Hyderabad, Telangana State, Also at Flat No.144, 1st Floor, Akash Ganga, Srinagar Colony, Hyderabad, Telangana State.

Respondents

WHEREAS the Petitioner above named through its Advocate SRI V.RAMCHANDER GOUD SC FOR JNTU presented this Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Prohibition by declaring the action of the Respondent No.2 in issuing Notice to the Petitioner University vide Reference No.83/MSEFC/2021 dated 29.01.2021 and further Notice dated 09.02.2022 as violative to the procedure contemplated U/s. Section 18 of the Micro Small and Medium Enterprises Development Act, 2006, Contrary to the Limitation Act, 1963 as the claim of the Respondent No.3 is time barred, Without jurisdiction as, the Respondent No.3 was not registered under the MSME Act, 2006 prior to the transactions between the Petitioner University and Respondent No.3, as arbitrary, unconstitutional and illegal exercise of powers and Consequently quash the same;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri V.RAMCHANDER GOUD, SC FOR JNTU Advocate for the Petitioner and GP for Mines and Industries who took notice on behalf of the Respondent No.1, directed issue of notice to the Respondent Nos.1 & 3 herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. THE Principal Secretary, General Administration Department (Industries and Commerce), State of Telangana, BRBK Bhawan, Secretariat Building, Hyderabad, Telangana State.
2. M/s. COEMPT EDU TECK PRIVATE LIMITED, (Formerly known as Globarena Technologies Private Limited) Office at 8-2-700/A, 4th Floor, Building Shiv Shakthi Towers, Road No.12, Banjara Hills, Hyderabad, Telangana State, Also at Flat No.144, 1st Floor, Akash Ganga, Srinagar Colony, Hyderabad, Telangana State.

are directed to show cause on or before 28-03-2022 to which date the case stands posted as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Stay all further proceedings in Reference No.83/MSEFC/2021 on the file of Respondent No.2, pending disposal of WP No. 11487 of 2022, on the file of the High Court.

The Court made the following:

ORDER:

Notice before admission.

The learned Government pleader for Mines and Industries takes notice on behalf of respondent No. 1.

The learned counsel for petitioner is permitted to take out personal notice on the respondent No. 3 and file proof of service.

The respondent No.2 being a Quasi Judicial authority, the notice is dispensed with.

The learned counsel for petitioner submits that the notice issued to the petitioner under Section 8(1) of the Micro Small and Medium Enterprises Development Act, 2006 (MSME) itself is without jurisdiction. He further submits that the respondent No.3 is the complainant before the MSME registered in the year 2020, whereas the demands raised by the 3rd respondent pertain to the year 2014 and therefore, such disputes could not have been entertained and the action taken by the respondent No.2 in issuing notice is not maintainable. He also submits that claims of the 3rd respondent are barred by limitation.

In similar circumstances, in W.P.No.27376 of 2021 dated 02-11-20221 and W.P.No.4860 of 2020 dated 4-05-2020, this court while issuing notice to the respondents has granted interim stay of all further proceedings.

Following the same, it is directed that there shall be interim stay of all further proceedings pursuant to the notices dated 29-01-2021 and 09-2-2022 issued by the 2nd respondent under Section 8(1) of the Micro Small and Medium Enterprises Development Act, 2006 (MSME)

List the matter on 28.03.2022.

SD/- K. ONESIM
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. THE Principal Secretary, General Administration Department (Industries and Commerce), State of Telangana, BRBK Bhawan, Secretariat Building, Hyderabad, Telangana State. (by RPAD- along with a copy of petition and affidavit)
2. THE Chairman, MICRO and SMALL ENTERPRISES FACILITATION COUNCIL - RANGA REDDY REGION, 4th Floor, Spoorthy Bhavan, Ranga Reddy District Collectorate, Lakdikapul, Hyderabad, Telangana State, (by RPAD)
3. M/s. COEMPT EDU TECK PRIVATE LIMITED, (Formerly known as Globarena Technologies Private Limited) Office at 8-2-700/A, 4th Floor, Building Shiv Shakthi Towers, Road No.12, Banjara Hills, Hyderabad, Telangana State, Also at Flat No.144, 1st Floor, Akash Ganga, Srinagar Colony, Hyderabad, Telangana State. (by RPAD- along with a copy of petition and affidavit)
4. One CC to SRI V.RAMCHANDER GOUD SC FOR JNTU Advocate [OPUC]
5. Two CCs to GP FOR Mines and Industries, High Court at Hyderabad. [OUT]
6. One spare copy

mvj

HIGH COURT

PMD,J

DATED:07/03/2022

LIST THE MATTER ON 28-03-2022

NOTICE BEFORE ADMISSION

WP.No.11487 of 2022

DIRECTION

