

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Civil Writ Jurisdiction)
W.P.(C). No.4939 of 2023

Paschimanchal Vidyut Vitran Nigam Limited, Meerut, Uttar Pradesh, through its
Executive Engineer

.... **Petitioner**

Versus

Jharkhand Micro and Small Enterprises Facilitation Council, through its Secretary,
Nepal House, Ranchi & Anr.

.... **Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Petitioner

: Mr. Navin Kumar, Adv.

For the Respondents

:

02/Dated: 05th September, 2023

1. Let notice be issued upon the respondent No.2 by both process i.e, registered cover with A/D as well as under ordinary process, for which, requisites etc., must be filed by tomorrow.

2. Mr. Navin Kumar, learned counsel for the petitioner is directed to remove the defect(s) as pointed out by the office within a week from today.

3. The writ petition has been filed for quashing the ex-parte order dated 14.05.2019 passed by Jharkhand Micro and Small Enterprises Facilitation Council in case No.JHMSEFC 130/2018 (New Case No.111/22/S/00092) which has been passed without giving any opportunity to the petitioner.

4. It has been argued by the learned counsel for the petitioner by referring to the judgment of the Hon'ble Apex Court in the case of *Jharkhand Urja Vikas Nigam Limited vrs. The State of Rajasthan & Ors.* passed in *Civil Appeal No.2899 of 2021* that the impugned order is not covered under the term Award and as such, there is no requirement of filing an appeal and the writ petition is maintainable. It has further been submitted that the impugned order has been passed *ex-parte* without due notice to the petitioner.

5. Till further orders, impugned dated 14.05.2019 passed by Jharkhand Micro and Small Enterprises Facilitation Council in case No.JHMSEFC 130/2018 (New Case No.111/22/S/00092) shall remain stayed.

(Rajesh Kumar, J.)

Raja/-