

**GOVERNMENT of BIHAR**  
**Micro and Small Enterprises Facilitation Council**  
Under MSMED Act, 2006  
**Directorate of Industries**  
2<sup>nd</sup> Floor, New Secretariat, Patna- 800 015

**Reference No.- 01/2017**  
**M/s Jai Mata Di Construction, Serena, Kanti, Muzaffarpur**  
**Versus**

**Managing Director, Paltech Cooling Towers and Equipments Ltd., B- 604, Sushantlok,  
Phase-I, Gurugram, Haryana and CEO, KBUNL, NTPS, Kanti, Muzaffarpur:-**

**Quorum:**

1. Sri Pankaj Kumar Singh, Director of Industries, Bihar, Patna-	Chairman
2. Sri Jitendra Kumar, Special Secretary, Law Department, Bihar, Patna.-	Member
3. Sri N.K. Thakur, Bihar Chamber of Commerce & Ind.-	Member
4. Sri Nisheeth Jaiswal, Bihar Industries Association-	Member

**12<sup>th</sup> December, 2018**

The instant case was taken up by the Micro and Small Enterprises Facilitation Council (hereinafter referred to as "Council").

Both the parties were present.

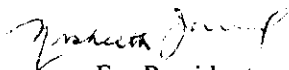
The case of the Supplier/ Petitioner is that they have filed a complaint under Rule 18 of Micro, Small and Medium Enterprises Development (MSMED) Act, 2006 before the Council on 24-01-2017 for a direction to ensure payment of P.A. with total interest Rs. 35,44,377/- (Rupees Thirty Five Lakh Forty Four Thousand Three hundred Seventy Seven) u/s 16 of the Act for the goods and services provided to M/s Paltech Cooling Towers and Equipments Ltd., B/ 604, Sushantlok, Phase-I, Gurgaon.


Both the parties were requested to sit together for conciliation and settle their issues amicably vide the Council letter no. 2768 dated 06.09.2017.

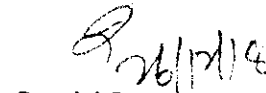
Further in the meeting dated 16.08.2017 and 7<sup>th</sup> September 2017 Principal employer CEO, KBUNL, NTPS, Kanti, Muzaffarpur was requested to look into the matter personally and to resolve the issue. CEO, KBUNL, NTPS, Kanti, Muzaffarpur was requested to look into the matter to save the interest of MSME and withhold the payment of opposite party till the final settlement of admitted dues of the Applicant/ Supplier vide Council's letter no. 2780 dated 09-08-2018 followed by reminder letter no. 3883 dated 06.11.2018. Outcome of the conciliation is awaited, hence it is presumed that Conciliation proceeding failed and stood terminated.


In the meantime the Respondent/ Buyer has filed a writ petition vide CWJC No. 20096 of 2018, however, it is immatured and no stay order has been passed by the Hon'ble High Court.

As conciliation has been terminated the Council took decision to start arbitration proceeding. The applicant was directed to submit his claim duly certified by CA supported with an affidavit.

  
For President  
Bihar Industries  
Association, Patna  
Member

  
For President  
Bihar Chamber of  
Commerce, Patna  
Member

  
Special Secretary  
Law Department  
Bihar, Patna  
Member

  
Director of  
Industries, Bihar  
Chairperson  
MSEFC, Bihar

Memo No.-2/DI/ FC-16-05/2017- 58 Patna, dated 3.1.19

CC: Members of MSEFC- Special Secretary, Law Department, Bihar, Patna/President, Bihar Chamber of Commerce and Industries, Khemchand Choudhary Marg, Patna/ President, Bihar Industries Association, Sinha Library Road, Patna for information.

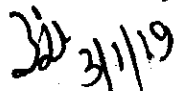
CC: M/s Jai Mata Di Construction, Serena, Kanti, Muzaffarpur-843109

CC: Managing Director, Paltech Cooling Towers and Equipments Ltd., B- 604, Sushantlok, Phase-I, Gurugram, Haryana

CC: CEO, KBUNL, NTPS, Kanti, Muzaffarpur

CC: PA to the Director of Industries, Bihar, Patna for information.

CC: I. T. Manager, Industries Department, Bihar, Patna for information and necessary action.

  
Joint Director of Industries  
Bihar, Patna