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WP-44129-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PRANAY VERMA

ON THE 13th OF NOVEMBER, 2025WRIT PETITION No. 44129 of 2025

*ACULANCE IT SOLUTIONS PRIVATE LIMITED THROUGH ITS
DIRECTOR ANKIT DAVE*

Versus

*MADHYA PRADESH MICRO AND SMALL ENTERPRISES
FACILITATION COUNCIL BHOPAL THROUGH CHAIRMAN AND
OTHERS*

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Appearance:

Shri Yamak Sharma, learned counsel for the petitioner.

Shri Rajwardhan Gawde, learned Govt. Advocate for the respondents/State.
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ORDER

1. With the consent of learned counsel for the parties the matter is finally heard.

2. By this petition preferred under Article 226 of the Constitution of India the petitioner has challenged the order dated 21.08.2025 (Annexure P/11) passed by respondent No.1 whereby his claim has been returned for rectification by observing that the rate of interest claimed is exorbitant.

3. The claim has been submitted by the petitioner claiming a particular rate of interest. There is no prohibition on a rate of interest to be claimed. If in the opinion of respondent No.1 the same is exorbitant and cannot be granted it is always upto it to grant the rate of interest as is found to be just and appropriate. However merely for the reason that an exorbitant rate of interest has been claimed by the petitioner his claim could not have



been returned.

4. Further more as per Section 18(2) of the Micro Small and Medium Enterprises Development Act, 2006 on receipt of a reference the council shall either itself conduct conciliation in the matter or seek the assistance of any institution or center providing alternate dispute resolution services by making a reference to it. Thus it is mandatory for conciliation proceedings to be conducted after receipt of the reference. In the present matter no conciliation proceedings have been conducted by respondent No.1 and instead the claim has been returned. In any case as observed above the claim could not have been returned only on the ground that exorbitant rate of interest has been claimed by the petitioner.

5. Consequently the impugned order dated 21.08.2025 (Annexure P/11) passed by respondent No.1 is hereby quashed and the matter is remanded back to it to proceed further in the matter in accordance with law.

6. The petition is accordingly allowed and disposed off.

(PRANAY VERMA)
JUDGE