

HARYANA GOVERNMENT
INDUSTRIES AND COMMERCE DEPARTMENT

Notification

The 17th July, 2023

No. 16/02/2023-11B-II.— In exercise of the powers conferred under sub-section (1) read with sub-section (2) of section 30 of the Micro, Small and Medium Enterprises Development Act, 2006 (Central Act 27 of 2006), the Governor of Haryana, hereby makes the following rules further to amend the Haryana Micro and Small Enterprises Facilitation Council Rules, 2021, namely:-

1. (1) These rules may be called the Haryana Micro and Small Enterprises Facilitation Council (Amendment) Rules, 2023.
2. In the Haryana Micro and Small Enterprises Facilitation Council Rules, 2021 (hereinafter called the said rules), in rule 2, in sub-rule (1),-
 - (i) for clause (d), the following clauses shall be substituted namely:-
‘(d) “Council” means the Haryana Micro and Small Enterprises Facilitation Council established by the State Government under section 20 of the Act to deal with the cases where principal amount is more than twenty lac rupees;
(da) “District Council” means the District level Micro and Small Enterprises Facilitation Council established by the State Government under section 20 of the Act to deal with the cases where principal amount is upto twenty lac rupees;’;
 - (ii) for clause (g), the following clause shall be substituted namely:-
‘(g) “member” means the member of the Council or District Council, as the case may be, including its Chairperson;’.
3. In the said rules, in rule 3,-
 - (i) for existing marginal heading, the following marginal heading shall be substituted, namely:-
“Composition of Council or District Council.”;
 - (ii) after sub-rule (1), the following sub-rule shall be inserted, namely:-
(1A) The District Council shall consist of following members, namely:-

(a)	Additional Deputy Commissioner of the concerned District	Chairperson
(b)	An officer from the Administration of Justice Department, Haryana, not below the rank of Assistant District Attorney posted in the concerned District	Member
(c)	An officer not below the rank of Accounts Officer posted in the Deputy Commissioner Office	Member
(d)	A member from the local association of Micro or Small Industry or enterprises to be appointed by the State Government	Non-Official Member
(e)	An officer from the District Micro, Small and Medium Enterprises Centre of the concerned District not below the rank of Assistant Director	Member Secretary
Note: The concerned Deputy Commissioner shall review and check the working of Facilitation Councils on monthly basis.		
 - (iii) in sub-rule (4), in clause (e), for the word “Council”, the words and signs “Council or District Council, as the case may be,” shall be substituted.
4. In the said rules, in rule 5,-
 - (i) for the existing marginal heading, the following marginal heading shall be substituted, namely:-
“Meeting of Council or District Council.”;
 - (ii) for sub-rules (1), (2), (3) and (5), the following sub-rules shall be substituted, namely:-

1872

HARYANA GOVT. GAZ. (EXTRA.), JULY 17, 2023 (ASAR. 26, 1945 SAKA)

- “(1) The Headquarter of the Council shall be at Panchkula. The Council shall meet at its Headquarter or at such place and at such time, as the Chairperson may decide. The meeting of the Council or District Council shall be headed by the Chairperson or the Member Secretary. The Headquarter of the District Council shall be at the concerned District.
- (2) The Council or District Council shall ordinarily convene at least one meeting in every month for transaction of its business.
- (3) The Chairperson may convene an urgent meeting of the Council or District Council, as the case may be, for consideration of any matter which, in his opinion, requires immediately and urgent attention.

(5) A meeting of the Council or District Council, as the case may be, called by giving notice of not less than seven days. In case of an urgent meeting, the same shall be called by giving notice of not less than forty eight hours.”

5. In the said rules, for rule 6, 7, 8, 9, 10 and 11, the following rules shall be substituted, namely:-



“6. Procedure of Council or District Council in respect of reference.- (1) An aggrieved Micro and Small Enterprise supplier registered within the State of Haryana, may move reference to the Council or District Council, as the case may be, in



Form-I with interest calculation in Form-II alongwith supportive documents and soft copy of the reference. The reference shall be accompanied with fees of rupees three thousand five hundred i.e. one thousand rupees towards application fee and two thousand five hundred rupees towards administrative expenses by way of demand draft/ Cheque/ NEFT in favour of the Chairperson of the Council or District Council, as the case may be. An aggrieved Micro and Small Enterprise supplier shall also submit an undertaking in Form-III to the extent that he has not moved a reference before any Civil Court on the same dispute. The aggrieved Micro and Small Enterprise supplier shall also simultaneously send a copy of the reference along with complete set of documents to the buyer or buyers against whom the reference is made.

(2) Upon receipt of reference from the Micro and Small Enterprise supplier, the Council or District Council, as the case may be, shall enter the data in the official web portal created for this purpose. -

(3) After entering the data, acknowledgement of the receipt of reference shall be issued by the Council or District Council, as the case may be, to the Micro and Small Enterprise supplier through digital mode of communication.

(4) The Council or District Council, as the case may be, shall examine the reference at preliminary stage to check regarding fee or competency of Micro and Small Enterprise supplier to file the reference. In case the particulars entered in the reference are not found as per provisions of the Act or rules made thereunder, the Council or District Council, as the case may be, shall give an opportunity to the said supplier with the request to supply the requisite information/documents within such period as specified in the notice. If the supplier fails to supply the above said information/documents within specified period to the Council or District Council, as the case may be, then the reference shall be returned in original without taking further necessary action.

(5) The Council or District Council, as the case may be, shall, if satisfied with the facts stated in the reference that the Micro and Small Enterprise Supplier is entitled to make a reference under the provisions of the Act or rules made thereunder, shall issue a notice to the respondent alongwith a copy of the statement of claim and other documents attached to the reference by registered post or any digital mode of communication, asking him to furnish a response to the said reference within fifteen days of receipt of the said notice alongwith fees of two thousand five hundred rupees towards the administrative expenses by way of demand draft/ Cheque/ NEFT in favour of Chairperson of the Council or District Council, as the case may be.

(6) The Council or District Council, as the case may be, shall take action in the reference as per provisions specified in sub- section (2) of section 18 of the Act. The notice shall be issued to the parties through speed post or any digital mode of communication.

(7) If the reference is sent by the Council or District Council, as the case may be, to any institution, the said institution shall make efforts to bring about conciliation and shall submit its report to the Council, or District Council, as the case may be, within fifteen days of sending the reference or within such period as maybe specified by the Council or District Council, as the case may be.

(8) Where conciliation initiated under sub-rule (7) is not successful and stands terminated without any settlement between the parties, the Council or District Council, as the case may be, shall take-up the dispute for arbitration as per the provisions specified in sub-section (3) of section 18 of the Act. The notice shall be issued to the parties through speed post or any digital mode of communication.

HARYANA GOVT. GAZ. (EXTRA.), JULY 17, 2023 (ASAR. 26, 1945 SAKA)

1873

(9) If the matter is referred to the institution, the institution shall arbitrate the issue as per provisions of the Arbitration and Conciliation Act, 1996 (Central Act 26 of 1996) and refer the award to the Council or District Council, as the case may be.

(10) The Council or District Council, as the case may be, shall conduct its proceedings through physical appearance or video conferencing as deemed fit.

(11) The Council or District Council, as the case may be, shall consider the arbitral findings/reports and recommendations and pass appropriate final award/ order in the matter.

(12) The Council or District Council, as the case may be, may appoint/ or engage the services of one or more experts in terms of section 26 of the Arbitration and Conciliation Act, 1996 (Central Act 26 of 1996) for taking assistance while conducting the proceedings.

7. Decision of Council or District Council. - (1) Any decision of the Council or District Council, as the case may be, shall be made by a majority of its members present at the meeting.

(2) The Council or District Council, as the case may be, shall make an arbitral award in accordance with section 31 of the Arbitration and Conciliation Act, 1996 (Central Act 26 of 1996). The award shall be stamped in accordance with the relevant law in force. The certified copy of the award shall be sent within seven days of filing of an application by the parties.

(3) The Council or District Council, as the case may be, shall upload the proceedings of every meeting on official web portal created for the purpose.

(4) No application for setting aside any award or other order made either by the Council or District Council, as the case may be, itself or by any institution providing alternate dispute resolution services to which a reference is made by the Council or concerned District Council, shall be entertained by any court unless the respondent appellant (not being a supplier) has deposited with it seventy-five percent of the amount in terms of the award, or the other order, as the case may be, in the manner as directed by such court.

8. Seal of Council or District Council.- There shall be a common seal of the Council and District Council, respectively which shall be affixed on such documents as the Chairperson may, by order, direct.

9. Subordinate Staff of Council.- (1) The subordinate staff of the Council shall be provided by the Directorate of Micro, Small and Medium Enterprises, Haryana or the same may be engaged as per policy of the State Government. Administrative expenses including salaries and allowances etc. payable to the subordinate staff shall be met out from the funds of the Council.

(2) Allowances payable to the non-official members of the Council as well as District Council shall be met out from the fund of the Council or District Council, as the case may be.

10. Recovery.- If a buyer does not file any appeal under section 19 of the Act to set aside any award or other order either made by the Council or District Council, itself or by any institution or if such appeal filed by the buyer is dismissed, in that case such decree/ award or other order passed by the Council or District Council or institution shall be executed by Collector of the District Concerned where the property of the buyer is located and the amount due shall be recovered as an arrear of land revenue.

11. Progress Report.- (1) The Council or the District Council, as the case may be, shall upload the basic information related to its working including the annual progress report on the official web portal created for the purpose.

(2) The Council or the District Council, as the case may be, shall provide information to the Member Secretary of the National Board for Micro, Small and Medium Enterprises as defined in the Act in the manner and form as required from time to time.

6. In the said rules, for the existing Forms I, II and III, the following forms shall be substituted, namely:-
1874 HARYANA GOVT. GAZ. (EXTRA.), JULY 17, 2023 (ASAR. 26, 1945 SAKA)

“FORM-I

[see rule 6(1)]

To

The Chairperson

(Name of Concerned) Micro and Small Enterprises Facilitation Council

Subject: Reference under Section 18 of the Micro, Small and Medium Enterprises Development (MSMED) Act, 2006.

I am authorized representative of M/s ----- . This firm is a micro/ small unit as per provisions of MSMED Act, 2006. This unit had supplied the goods/ services to M/s -----, but it has not been paid as per provisions of Section 15 of the Micro, Small and Medium Enterprises Development Act, 2006.

I, therefore, aggrieved with the buyer, wish to file a reference. The information pertaining to case is as under:

1.	Udyog Aadhar No./ Udyam Reg
	Note- MSE may register Udyog Aadhar on (https://udyamregistr)
2.	Haryana Udhyaam Memorandum
	Note- MSE may register Haryan (https://harudhyam.edisha.gov.i)
3.	Date of filing application (DD/M)
4.	Details of aggrieved MSE
4.1	Name of Authorized representat (authorization to be attached)
4.2	Name of Enterprise (supplier):
4.3	Address (including Pin code):

4.4	District:
4.5	State:
4.6	Mobile No.:
4.7	Email:
4.8	Type of aggrieved Enterprise:
	Micro Small
5.	Name of respondent (buyer)
5.1	Address (including Pin code):
5.2	District:
5.3	State:
5.4	Mobile No.:
5.5	Email:
5.6	Category of respondent (buyer)

HARYANA GOVT. GAZ. (EXTRA.), JULY 17, 2023 (ASAR. 26, 1945 SAKA)

6	Details of information in respect of: (1) Details of purchase orders and Service provided quantity and price. <table border="1"> <tr> <td>Serial No.</td> <td></td> </tr> <tr> <td></td> <td></td> </tr> </table> (2) Detailed description of purchase order / Agreement / Contract (3) Details of Invoices/Bills raised quantity and cost. (4) Details of delivery challans (5) Details of material/services received (6) Details of paid and unpaid <table border="1"> <tr> <td>Serial No.</td> <td>Invoice No.</td> </tr> <tr> <td></td> <td></td> </tr> </table> (7) Details of completion of supply of goods/ services supplied (8) Details of correspondence (9) Details of complaints/objections and any understanding between parties (10) If a complaint is received and then acceptance of the complaint with proof thereof.	Serial No.				Serial No.	Invoice No.		
Serial No.									
Serial No.	Invoice No.								
7.	Principal amount payable:								
8.	Interest claimed as on: (Attach calculation sheet as per format)								
9.	Details of fee paid:								
9.1	Amount:								
9.2	Mode: Cheque/ Demand Draft/ Bank Transfer								
10.	Relief Sought								
11.	Any other relevant information								

12. Additional Documents to be submitted:

- (a) Invoice;
 (b) Photocopy of Haryana Udhya Memorandum;
 (c) Affidavit in support of application.

Photocopy of Udyog Aadhaar

I hereby declare that information given above is true to the best of my knowledge. Any information that may further be required, shall be provided immediately before the concerned authority.

Signature: _____

Name : _____

(Authorized signatory on behalf of aggrieved MSE) Date:

1876

HARYANA GOVT. GAZ. (EXTRA.), JULY 17, 2023 (ASAR. 26, 1945 SAKA)

INSTRUCTIONS:

1. Claim application is required to be filed on MSME Samadhaan portal of Government of India on <https://samadhaan.msme.gov.in> ;
2. Printed original copy of the claim application must be submitted to the Council or the District Council, as the case may be, after fifteen days of filing claim on MSME Samadhaan portal. The claim application must be supported by an affidavit in case purchase order is oral;
3. All annexure(s) to the claim application must be self-attested;
4. List of documents duly mentioning the page number in chronological order shall be enclosed along with the claim application;
5. Copies of claim application must be in proportion to the number of the respondents along with one original copy;
6. Incomplete claim application shall not be accepted.

HARYANA GOVT. GAZ. (EXTRA.), JULY 17, 2023 (ASAR. 26, 1945 SAKA)

1877



Form – II

[See rule 6(1)]

INTEREST CALCULATION

Serial No.	Invoice/ Bill Nos. and Date of Supply order	Total amount of Invoice/ Bills indicated in Column (2)	Date of receipt of Goods/ Services by Buyer	Amount of Payment received with date against goods supplied/ service provided	Delay period	Principal amount remaining unpaid	Details of bills with bill no. and date on which the interest has been claimed	
							Invoice/ Bill Nos.	Amount
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Due date/ 45 days for payment, as the case may be, from the date of purchase order/ agreement or as provided in the Act for calculating the actual date of appointed day		Calculation of interest on delayed/ unpaid payment in terms of At/ agreement from the date of appointed day till the date of filing the reference before the Council or the District Council, as the case may be		Interest of Bank rate as Notified by the Reserve Bank of India		Calculation of Compound interest with monthly interest as three times of the Bank Rate notified by the Reserve Bank of India (as indicated in column (12) from the period from _____ to _____		Remarks
(10)		(11)		(12)		(13)		(14)

Signature: _____

Name : _____ (Authorized

signatory on behalf of aggrieved MSE) Date:

1878

HARYANA GOVT. GAZ. (EXTRA.), JULY 17, 2023 (ASAR. 26, 1945 SAKA)

Form-III

[see rule 6(1)]

(Undertaking to be submitted by the claimant supplier under MSMED Act, 2006 on the letter head of the enterprise) To

The Chairperson

(Name of Concerned) Micro and Small Enterprises Facilitation Council

_____.

Subject: Reference under Section 18 of the Micro, Small and Medium Enterprises Development (MSMED) Act, 2006.

I am authorized representative of M/s ----- . This firm is a micro/ small unit as per provisions of MSMED Act, 2006. I hereby confirm that this firm has not moved any reference before the Council or the District Council or any Civil Court on the present dispute.

I, hereby, declare that the information given above is true to the best of my knowledge and belief.

Signature: _____

Name: _____

(Authorized signatory on behalf of aggrieved MSE)"

The 13th July, 2023

ANAND MOHAN SHARAN,
Additional Chief Secretary to Government Haryana,
Industries and Commerce Department.

10477—C.S.—H.G.P., Pk1.

