

**DELAYED PAYMENT TO MICRO AND SMALL ENTERPRISES**

**CHAPTER V OF "MSMED ACT, 2006"**

for

**More Effective Mechanism For Mitigating The Problems Of Delayed Payments To Micro And Small Enterprises**

- ▶ **WEST BENGAL MICRO SMALL ENTERPRISES FACILITATION COUNCIL(WBMSEFC) constituted u/s 20 of Micro, Small and Medium Enterprises Dev. Act, 2006.(MSMED Act.,2006)**
- ▶ **WBMSEFC works as per West Bengal Micro Small Enterprises Facilitation Council Rules,2016**
- ▶ **Govt. of West Bengal has setup three WBMSE Facilitation Council for providing quick relief of the MSEs in a better way.**
- ▶ **Three WBMSEFC comprising the following districts :-**

Sl. No.	Name of the WBMSEFC Council	Districts covered by the respective Councils
1	West Bengal Micro Small Enterprises Facilitation Council, Kolkata	(i) Kolkata (ii) Howrah (iii) Hooghly (iv) South 24 Pgs. (v) North 24-Pgs (vi) Nadia (vii) Murshidabad
2.	West Bengal Micro Small Enterprises Facilitation Council, South Bengal	(I) Purba Medinipur (ii) Paschim medinipur (iii) Purba Bardhaman (iv) Paschim Bardhaman (v) Jhargram (vi) Bankura (vii) Birbhum (viii) Purulia
3	West Bengal Micro Small Enterprises Facilitation Council, North Bengal	(i) Darjeeling (ii) Jalpaiguri (iii) Coochbehar (iv) Alipurduar (v) Kalimpong (vi) Uttar Dinajpur (vii) Dakshin Dinajpur (viii) Malda

- ▶ **Who can apply before the Council :-**

Any micro or small enterprises as per section 2(n) of the MSMED Act, 2006 having valid Udyam Registration Certificate can apply before the Facilitation Councils though any type of MSME Registration( i.e EM-II/ UAM/UDYAM) is mandatory at the time of supply/services for admissibility of the claim.

- ▶ **No TRADER is allowed to file a case and if filed through online portal the case will be rejected in subsequent hearings.**

- ▶ **How to apply before the Council**

- Any **Micro or Small** enterprises (except traders) having valid 'Udyam Registration Certificate' can apply through DELAYED PAYMENT MONITORING SYSTEM portal :-

[samadhaan.msme.gov.in/MyMsme/MSEFC/COM\\_MSEFC\\_EntLogin.aspx](http://samadhaan.msme.gov.in/MyMsme/MSEFC/COM_MSEFC_EntLogin.aspx)

**Points to be noted:-**

- ▶ **Medium Enterprises are not eligible to get benefit under this Act.**
- ▶ **As per the recent Supreme Court Order, it is not maintainable for cases where the enterprise did not file for MSME registration certificate/ acknowledgement on or before supply of goods or rendering services.**
- ▶ **Council can act as Conciliator and arbitrator as per sub-section 18(4) of the MSMED Act,2006.**