

RULE 4 EXTRACTED FROM THE MIZORAM MICRO AND SMALL ENTERPRISES FACILITATION COUNCIL RULES, 2012.

Procedure to be followed in the discharge of functions of the Council :

- (i) The Council shall meet at least once a month.
- (ii) At least 7 (seven) days' notice shall ordinarily be given for any meeting. However, in the case of urgency a meeting may be called at such shorter notice as the Chairperson may consider sufficient.
- (iii) The Council may appoint/or engage the services of one or more experts in terms of section 26 of the Arbitration and Conciliation Act, 1996.
- (iv) The Council, or a party to the dispute with the approval of the Council may apply to the court under section 27 of the Arbitration and Conciliation Act, 1996, for assistance in taking evidence.
- (v) The reference/application of the aggrieved micro or small enterprise supplier shall contain full particulars of the supplier and its status, supplied goods or services, terms of payment, if any, agreed between the supplier and buyer, actual payment received with date, amount due and the interest duly calculated under section 16 of the Act, supported by an affidavit, with necessary court fee stamp affixed thereon. The Chairperson of the Council may require any petitioner to provide further particulars of the claim or any relevant documents in support of the claim as he may consider necessary for the purpose of the proceedings. If the petitioner fails or omits to do so within fifteen days of receipt of such communication or within such further time as the Chairperson may, for sufficient cause, allow, the Council may terminate the proceedings without prejudice to the right of the petitioner to make fresh reference if he is otherwise, entitled so to do. The petitioner shall also simultaneously send a copy of the reference to the buyer or buyers against whom the reference is directed.
- (vi) The reference/application shall be acknowledged forthwith if it is delivered at the office of the Council. Where the reference/application is received by registered post, its receipt shall be acknowledged on the same day. The Chairperson shall cause the buyer to furnish his detailed response to the reference within fifteen days of receipt of the reference by the buyer or within such further time not exceeding fifteen days, as he may, for sufficient cause, allow.
- (vii) On receipt of a reference under section 18 of the Act, the Chairperson of the Council shall cause the reference and the buyers' response thereto to be examined and, on being satisfied with the reference making a prima facie case of delayed payment, cause the reference to be placed before the Council at its next immediate meeting for consideration. The Chairperson shall also ensure that each reference received within two weeks of the date of the last preceding meeting of the Council is examined and, if found in order, is placed for consideration of the Council at its next immediate meeting.
- (viii) The Council shall either itself conduct conciliation in each reference placed before it or seek the assistance of any institute or centre