

Court No. - 1

Case :- WRIT - C No. - 8013 of 2023

Petitioner :- M/S Docket Care Systems Lko. Thru. Partner Sri Pankaj Kumar Agarwal

Respondent :- Union Of India Thru. Secy. Ministry Of Micro , Small And Medium Enterprises, New Delhi And Others

Counsel for Petitioner :- Madhusudan Srivastava, Madhav Srivastava

Counsel for Respondent :- A.S.G.I., Alok Kumar Singh, Ankit Kumar Pandey, Ashutosh Verma, Aviral Raj Singh, Dhruv Kumar Singh, Palash Banerjee, Rajesh Tewari, Ritwick Rai, Vaibhav Tiwari

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Om Prakash Shukla, J.

1. Heard learned Counsel for the petitioner, Shri Rajesh Tewari, learned Counsel for respondents no.2 & 3 and Shri Vaibhav Tewari, learned Counsel for respondent no.4

2. Shri Rajesh Tiwari, learned Counsel for respondents no.2 and 3, on the basis of instructions, has stated that an award has already been rendered by the Facilitation Council on 07.10.2023, a photocopy whereof placed before us is taken on record. A certified copy of the award applied for, if any, by the petitioner may be supplied to him not later than a period of ten days from the date of application.

3. Shri Vaibhav Tiwari, learned Counsel appearing for respondent no.4 has also filed a short counter affidavit placing on record the details of arbitral proceedings transpired before the Facilitation Council and conducted under Section 18(3) of Micro, Small and Medium Enterprises Development Act, 2006 (in short, 'MSME Act').

4. Learned Counsel for the opposite parties have submitted that as against the award rendered by the Arbitral Tribunal on 07.10.2023, the petitioner has a remedy under Section 34 of the Arbitration and Conciliation Act, 1996.

5. At this stage, learned Counsel for the petitioner prays that he may be permitted to withdraw the instant petition with liberty to avail the alternative remedy, available to him, under law.

6. In view of the above, the instant petition is **dismissed as withdrawn** with the liberty as prayed.

7. It is made clear that the all the legal issues shall remain open to the petitioner before the competent forum. The exemption application, if any, moved under Section 19 of MSME Act shall also be considered by the forum concerned on its own merit.

(Om Prakash Shukla, J.) (Attai Rahman Masoodi, J.)

Order Date :- 10.10.2023

Anand Sri./-