

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 192/2026 CM(453/2026)

Caveat 3030/2025

Date of pronouncement 09-02-2026

Uploaded on 16-02-2026

RURAL DEVELOPMENT AND ANOTHER

...Petitioner/Appellant(s)

Through: Mr. Mohammad Ashraf Wani, Adv

Vs.

M/S JK TECHNOS INDUSTRIAL COMPLEX KHANMOH AND ...Respondent(s)
OTHERS (J AND K SIDCO)

Through: Mr. Mehraj-ud-in Bhat for Caveator with
Mr. Murfad Naseem, Adv.

CORAM:

HON'BLE MR JUSTICE JAVED IQBAL WANI, JUDGE

ORDER

09.02.2026

1. Extraordinary writ jurisdiction enshrined in Article 226 as also supervisory jurisdiction under Article 227 of the Constitution of India has been invoked by the petitioners herein for quashing of award dated 10.02.2025 (hereinafter for short "the impugned award"). passed by the respondent 2 herein being Micro and Small Enterprises Facilitation Council Kashmir/Srinagar. (hereinafter for short "the Council")
2. Facts emerging from the petition are that the respondent 1 herein lodged a claim under the provisions of Micro and Small Medium Enterprises Development Act 2006 (for short the Act of 2006) against the petitioners and respondent 3 herein claiming therein that it being a Small Scale Enterprise/Supplier under and in terms of the Act of 2006 made various supplies of RCC Spun Pipes 9" and 12" through respondent 3 herein to the petitioner herein and consequently raised a bill for an amount of Rs. 683804/- for release of payments thereof and upon failure by the

petitioners 1 and 2 herein and being respondents before the council and the council in terms of award dated 10.02.2025 allowed the claim and directed the respondents in the claim petition/petitioners herein to pay the principal amount of Rs. 683804/- to the claimant/respondent 1 herein along with compound interest thereof at three time with the bank rate notified by Reserve Bank of India in accordance with the provisions of Section 16 of the Act of 2006 from the date of accrual of the amount claimed till the date of its liquidation.

3. The petitioners herein having questioned the award dated 10-02-2025 have maintained the instant petition, *inter alia*, on the premise that the impugned award is legally unsustainable having been passed in violation and breach of the statutory provisions of the Act of 2006 inasmuch as without due consideration of the material pleadings and evidence, having stated further that the appellate remedy under Section 19 of the Act would not bar the maintainability of the instant petition under Article 226/227 of the Constitution, in that the impugned award has been passed by the council without jurisdiction as well as in violation of the principles of natural justice.

Heard learned counsel for the petitioners as also the counsel for the Caveator.

4. The counsel for the caveator-respondent 1 while making his submissions at the very outset raised a preliminary objections qua the maintainability of the petition contending that there is a statutory remedy provided under the provisions of Arbitration & Consolidation Act of 1996 against the award passed under the Act of 2006 and, as such, in presence of the same the present petition is not maintainable. Learned counsel in this regard

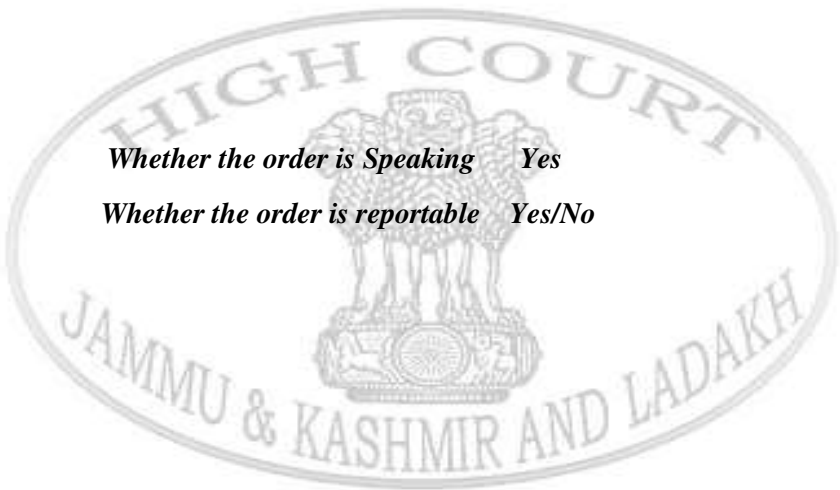
heavily placed reliance on two judgments passed by the coordinate judges in cases titled as “*UT of Jammu and Kashmir and Anr vs. M/S Gulati Metals and Alloys, & Union Territory of J&K vs M/S JTL Infra Limited Th. Its Managing Director*” decided on 10-02-2025 and 21-02-2025 respectively.

5. On the contrary the counsel for the petitioners herein would submit that the law regarding the maintainability of the petition under Article 226/227 qua the Act of 2006 is pending adjudication before the Apex Court upon a reference having been made in case titled as *M/S Tamil Nadu Cements Corporation Limited vs Micro and Small Enterprises Facilitation Council and Anr* as such, the instant petition can be entertained notwithstanding the law laid down in *India Glycols Limited vs. Micro and Small Enterprises Facilitation Council and Ors* as also in presence of the availability of the statutory remedy under Section 34 of the Act of 1996.
6. The aforesaid plea of the counsel for the petitioners, however, cannot be accepted in view of the decision rendered by the Coordinate Benches in the judgments supra wherein both the Coordinate Benches have specifically ruled that the petition under Article 226/227 is not maintainable in presence of the judgments passed by the Apex Court *inter alia* in case of *M/S India Glycols Limited* supra, being occupying the field as on date notwithstanding the reference made by the Apex Court in case of *M/S Tamil Nadu Cements Corporation Limited* (Supra). This Court has no reason to take a different view than the view taken by the Coordinate Benches in cases supra.

7. Under these circumstances, the preliminary objections raised qua the maintainability of the writ petition by the counsel for the respondents succeeds and petition accordingly is held *not maintainable*.

(JAVED IQBAL WANI)
JUDGE

SRINAGAR
09.02.2026
Sarvar



Whether the order is Speaking Yes
Whether the order is reportable Yes/No