

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.23790 OF 2016

ORDER :

This Writ Petition is filed by the petitioner challenging the action of the 2nd respondent in initiating arbitration proceedings under the Micro, Small and Medium Enterprise Development Act, 2008 at the instance of the 1st respondent.

2. It is the contention of the petitioner that the 2nd respondent had no jurisdiction to entertain this dispute.

3. Admittedly, under Section 16 of the Arbitration and Conciliation Act, 1996, all objections as to the jurisdiction of the Arbitral Tribunal have to be raised before the said Tribunal and it is for the said Tribunal to adjudicate the said issue after hearing both sides.

4. Therefore granting liberty to the petitioner to raise the question of jurisdiction of the 2nd respondent, to entertain the dispute in question by way of arbitration under the above Act, before the Arbitral Tribunal, this Writ Petition is dismissed. There shall be no order as to costs.

5. Consequently, Miscellaneous Petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

20th July, 2016.
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