

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR No. 7224 of 2016(O&M)

Date of decision :05.12.2016

HMT Limited, Tractor Division, Pinjore

.....Petitioner

Versus

M/s Modern Manufactures Pvt. Ltd. And others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Anand Chhibbar, Sr. Advocate
with Mr. Ranjit Chawla, Advocate
for the petitioner.

DARSHAN SINGH, J. (Oral)

Notice of motion to respondent no.1 alone.

Mr. Manu Bhandari, Advocate who is present in the Court has
accepted the notice on behalf of the respondent no.1.

Learned senior counsel for the petitioner contended that the provisions of The Micro, Small and Medium Enterprises Development Act, 2006 (for short '2006 Act') may override the provisions of Arbitration and Conciliation Act, 1996 (for short '1996 Act'). But, the interest of justice requires that the petitioner should have been allowed to file the reply along with the counter claim for adjudication by the Arbitrator on merits as per the provisions of 2006 Act. He contended that vide impugned order even without taking the reply of the petitioner, the case has been straightway fixed for the evidence of the claimant-respondent. He pleaded that the present revision petition may be dismissed as withdrawn with liberty to the petitioner to move the application to the Arbitrator to allow them to file the reply along with the counter claim.

Dismissed as withdrawn with liberty aforesaid. If, any such application is moved, the learned Arbitrator will be at liberty to consider the request of the petitioner strictly in accordance with the provisions of 2006 Act.

05.12.2016

S.khan

(DARSHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No