

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

ARBITRATION PETITION (LODG.) NO. 20093 OF 2017

Artcad Systems,
through its Prop. Mr.Vinay D. Shende .. Petitioner
Vs.

The Secretary, Micro Small and Medium
Enterprises Facilitation Council & Anr. .. Respondents

Mr.Avinash Hari Fatangare for petitioner.
Mr.Prabhanjan Gujar for respondent no.2.

**CORAM : K.R.SHRIRAM, J.
DATE : 17TH NOVEMBER 2017**

P.C.

1 The matter was heard for some time. During the course of hearing, counsel for respondent no.2 brought to the attention of this Court an order sheet dated 29th July 2017 in the arbitration proceedings before the Council-respondent no.1, in which it has been recorded that since petitioner was absent on three occasions and even on 29th July 2017, the Council has decided to close the matter and inform accordingly.

2 It should be noted that the Court, in its order dated 28 July 2017 had directed respondent no.1 to adjourn the proceedings before it beyond 8th September 2017. Therefore, I agree with counsel for petitioner that the order dated 28th July 2017 could not have been passed by respondent no.1.

3 Shri Fatangare for petitioner and Shri Gujar, for respondent no.2, after taking instructions from their respective clients who are present in Court, jointly request the Arbitration proceedings that was going on before Micro Small and Medium Enterprises Facilitation Council be revived and further directions be issued by the Court. The following order is therefore passed :

- (i) Arbitration proceedings that was going on before Micro Small and Medium Enterprises Facilitation Council is revived.
- (ii) Petitioner shall, within two weeks from today, file the statement of claim along with compilation of documents and serve a copy thereof upon respondent no.2.
- (iii) The Facilitation Council to call for a meeting to decide further course of action to be taken and hold this meeting within four weeks from today.
- (iv) The undertaking of petitioner and respondent no.2 that they shall not seek any adjournment at any point of time and shall remain present before the Council either in-person or through an Advocate on all dates is accepted.

4 Petition accordingly disposed.

Notwithstanding disposal of the petition, all office objections to be removed and the arbitration petition to be numbered within two weeks from today.

(K.R. SHRIRAM, J.)