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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment delivered on: 20.02.2017

+ W.P.(C) 1476/2017

M/S TECHNOVATIONS

..... Petitioner

versus

MICRO AND SMALL INDUSTRIES FACILITATIONS

COUNCIL & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner

:Ms. Tanya Dayal, Advocate

For the Respondents

: Mr. Sanjoy Ghjose and Mr. Rhishabh Jetley, Advocates

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner by the present petition seeks a direction to the respondent no. 1 i.e. Micro and Small Industries Facilitations Council, New Delhi to expeditiously process the reference of the petitioner dated 09.09.2014 under Section 18 (4) of the Micro Small and Medium Enterprises Development Act, 2006.

2. Learned counsel appearing for respondent no. 1 on advance notice submits that in terms of Section 18(4) of the Act, the Micro and Small Industries Facilitations Council or the Centre providing

alternate disputes resolution services shall have jurisdiction to act as an Arbitrator or Conciliator for any dispute between the supplier located within its jurisdiction and the buyer located anywhere in India.

3. It is submitted that since the petitioner is a supplier and is registered in the State of Chhattisgarh, the concerned Council or Centre having jurisdiction in the State of Chhattisgarh would have the territorial jurisdiction to act as an Arbitrator or Conciliator in terms of Section 18(4) of the Act. Learned counsel for respondent no. 1 submits that the petitioner should have approached the concerned Council/Centre having territorial jurisdiction in the area where the petitioner is registered.

4. Learned counsel for the petitioner seeks leave to withdraw the present petition with liberty to move an appropriate reference before the concerned Council/Centre having territorial jurisdiction in the State of Chhattisgarh.

5. Learned counsel for the petitioner has raised an apprehension that since the dispute pertains to the year 2014 and the reference was made to respondent no. 1 on 09.09.2014. The concerned Council/Centre having territorial jurisdiction in the State of Chhattisgarh may refuse to entertain the same.

6. Learned counsel for the respondents very candidly admits that post the filing of the reference on 09.09.2014 no intimation has been sent to the petitioner indicating that respondent No. 1 at New Delhi

does not have the territorial jurisdiction or that and the petitioner should approach the Council/Centre having territorial jurisdiction in the State of Chhattisgarh.

7. In view of the above, the petition is dismissed as withdrawn with liberty to the petitioner to file a reference with the Council/Centre having territorial jurisdiction in the State of Chhattisgarh within a period of four weeks.

8. It is clarified that since the respondent no. 1, till date has not intimated the petitioner about the objection of lack of territorial jurisdiction, benefit of the period between filing of the reference on 09.09.2014 and passing of this order shall be given to the petitioner and the said period shall be excluded while computing the period of limitation, if any.

9. It is further clarified that this Court has not expressed any opinion on the merits of the claim of the petitioner.

10. Order dasti under signatures of the Court Master.

SANJEEV SACHDEVA, J

FEBRUARY 20, 2017

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