

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

ARBITRATION PETITION NO. 646 OF 2018

Indira Gandhi Institute of Development Research	...Petitioner
Vs.	
Vipin Shah & Associates	...Respondent

Mr.Sandesh Shukla with Mr.Aekaanth Nair I/b. K. Ashar & Co. for
Petitioner.

Mr.Devvrath Singh with Arthav S. Sanghvi I/b. Praxis Legal for
Respondent.

CORAM : S.C. GUPTE, J.

DATE : 22 AUGUST 2019

P.C. :

Heard learned Counsel for the parties. Admit. The arbitration petition is taken up for final hearing forthwith, by consent of Counsel.

2 This impugned award is passed by Micro and Small Enterprises Facilitation Council, MMR Region, Mumbai established under Section 20 of Micro, Small Medium Enterprises Development Act, 2006. The reference was made to the Council under the provisions of that Act by the Respondent, who claimed to be a small enterprise. Despite substantial pleadings filed and a number of hearings held in the reference, the Council has passed its award without stating any single reason. Under Section 18 of that Act, all provisions of the Arbitration & Conciliation Act, 1996 apply to the reference to the Council under that Act. That would obviously include the salutary requirement of giving of reasons for an award unless dispensed with by the parties. That requirement has not been met in the present case. The award, accordingly, cannot be sustained and deserves to be set aside.

3 Accordingly, the impugned award dated 3 March 2018 is quashed and set aside. It is made clear that the award is set aside only on the ground of want of reasons, which is a statutory requirement, and not on merits. It will be open to the Respondent to invoke the jurisdiction and powers of the Council to reagitate its grievance. All rights and contentions of the parties on merits are kept open. The arbitration petition is disposed of.

(S.C. GUPTE, J.)