

ORDER SHEET  
W.P.O. No. 1231 of 2021  
IN THE HIGH COURT AT CALCUTTA  
Constitutional Writ Jurisdiction  
ORIGINAL SIDE

NBCC (India) Ltd.  
Versus  
The State of West Bengal & Ors.

BEFORE:  
The Hon'ble JUSTICE RAJASEKHAR MANTHA  
Date : 16<sup>th</sup> December, 2021.

Mr. Arnab Chakraborty with Mr. Pragyan Bhowmick, Advs.  
... for petitioner

Mr. Samrat Sen, Sr. Adv.  
... for State

The writ petitioner is aggrieved by an order dated 22<sup>nd</sup> September, 2021 referring disputes and differences to Arbitration under five several contracts with one M/s. Saket Infra Developers Pvt. Ltd. The reference was made by the Facilitation Council, MSME, under Sections 18(2) and 18(3) of the Micro, Small and Medium Enterprises Development Act, 2006 (MSMED Act). The writ petitioner would assail the said order, in inter alia that the MSMED Act is not applicable and that work contracts do not come under the purview of the MSMED Act. It is also submitted that, five different contracts cannot be clubbed into one reference for adjudication.

This Court is of the view that without prejudice to any of the rights and contentions of the writ petitioner, the question jurisdiction on each raised by the petitioner before the Arbitral Tribunal.

The Tribunal shall decide on its jurisdiction on inter alia the questions raised by the writ petitioner before entering into other questions.

The writ petition is thus disposed of.

No order as to costs.

(RAJASEKHAR MANTHA, J.)