



“MSEFC”), Ranga Reddy Region, Hyderabad, this Court on the Appellate Side will not have jurisdiction to hear the Section 34 of the Arbitration Petition. It is noted that the vacation Court on 4<sup>th</sup> November 2021 had directed the Petitioner to pay a principle amount of Rs.76,92,171/- as per Sections 15 and 16 of the Micro Small & Medium Enterprises Development Act (MSMED), 2006, within a period of two weeks from the order dated 4<sup>th</sup> November 2021, as per the statement of the learned counsel for the Petitioner on instructions which statement was accepted. The execution of the award passed against the Petitioner dated 21<sup>st</sup> December 2019, was stayed for two weeks from the date of the order.

3. Considering the fact that this Court hearing the arbitration matters on the Appellate Side does not have the jurisdiction to hear Petitions under Section 34 of the Act, the Petitioner is permitted to withdraw this Arbitration Petition with liberty to file the Arbitration Petition under Section 34 of the Act in the appropriate Court. The Petitioner is further permitted to withdraw the principle amount of the award of Rs.76,92,171/-,

which had been deposited in this Court. The Registrar (Judicial-I) is directed to permit the Petitioner to withdraw the said amount.

4. The Petitioner is at liberty to intimate this order as well as the prior order dated 4<sup>th</sup> November 2021 to the executing court, which is the Ranga Reddy District Court.

5. The Arbitration Petition is accordingly disposed of as withdrawn with liberty to the Petitioner to file the Arbitration Petition under Section 34 of the Act before the appropriate court.

6. It is made clear that the pendency of the above Arbitration Petition filed under Section 34 of the Act shall be taken into account while considering issue of limitation in filing of the Arbitration Petition.

7. In view of dismissal of Arbitration Petition No.67 of 2020, Interim Application No.88 of 2021 does not survive and is accordingly disposed of.

**(R. I. CHAGLA, J.)**