

Dusane

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2815 OF 2022**

Mars International India Pvt Ltd, represented by ...Petitioner
its Director

Versus

Jagtap Horticulture Pvt Ltd & Anr ...Respondents

BHALCHANDRA
GOPAL DUSANE

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BHALCHANDRA
GOPAL DUSANE
Date: 2022.03.15
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**Mr Kamal Khata, with Hemant Mehta i/b Mehta & Co for the
Petitioner.**

**Mr Mayur Khandeparkar, with Ativ Patel, Darshit Dave and
Harshad Vyas i/by AVP Partners for the Respondents.**

**CORAM G.S. Patel &
 Madhav J. Jamdar, JJ.
DATED: 14th March 2022**

PC:-

1. The Petitioner complains that the MSME Council in arbitration has not first decided a Section 16 application on jurisdiction.
2. It is for the MSME Council in the arbitration to determine its own procedure, like any other arbitral Tribunal.
3. If the MSME Counsel believes that an application to determine the precise interpretation of the contract and, specifically,

whether it is a works contract or a contract for supply of goods and services, it is of course open to the Tribunal to say that any such application will be decided along with the main claim. It may decide to take up the issue either before or at the final hearing. That is within its discretion.

4. There is no reason for us to interfere only because it has not decided the Section 16 application at the forefront.

5. We have every confidence that the Tribunal will decide every application that is before it on merits. We see no reason to interfere.

6. The Petition is rejected. No costs.

(Madhav J. Jamdar, J)

(G. S. Patel, J)