

**143 IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**CWP-2404-2022 (O&M)**

Date of decision: 09.02.2022

M/s Baidyog Pharmacy

....Petitioner

Versus

Micro and Small Enterprises Facilitation Council, Haryana  
and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. R.S.Randhawa, Advocate for the petitioner

**ANIL KSHETARPAL, J (Oral)**

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

The petitioner prays for issuance of a writ in the nature of Certiorari to quash the intimation notice dated 07.01.2021.

Admittedly, the dispute between the petitioner and respondent no.3 has already been referred to the Arbitrator by Micro and Small Enterprises Facilitation Council, Haryana. The Arbitrator is seized of the matter. The petitioner claims that the Council has no jurisdiction to issue notice or refer the matter to the Arbitrator. He relies upon the judgment passed by the Hon'ble Supreme Court in **Silpi Industries vs. Kerala State Road Transport Corporation and Anr'** 2021 SCC Online SC 439.

In the considered view of the Court, once the matter is pending before the Arbitrator, the petitioner can file an application before him in this regard. Section 5 of the Arbitration and Conciliation Act, 1996, provides that notwithstanding anything contained in any other

law, for the time being in force, for the matters covered in this part, no judicial authority shall intervene except so provided in this part.

Learned counsel representing the petitioner has failed to convince the Court to the fact that the petitioner cannot object to the maintainability of the arbitration proceedings before the Arbitrator.

In view thereof, the petitioner is relegated to the remedy before the Arbitrator.

Disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

09.02.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

**(ANIL KSHETARPAL)**  
**JUDGE**