

Arbitration Case No. 367 of 2021

[1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Arbitration Case No. 367 of 2021

Date of decision: 20th February, 2023

Escorts Limited

Petitioner

Versus

Shree Balajee Infra Equipment Pvt. Ltd. & others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vipul Joshi, Advocate for the petitioner.
Mr. Sagar Ritusaria and Mr. Ridhi Bansal, Advocates for the respondents.

AVNEESH JHINGAN, J (Oral):

This is a petition under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act') for appointment of an arbitrator for adjudication of disputes between the parties.

There was a dealer, sale and service agreement dated 1.1.2019 entered into between the parties. Clause 15 of the agreement provides for dispute resolution through arbitration.

The respondents have filed reply. As per the pleadings, the respondents have invoked the provisions of Micro, Small and Medium Enterprises Development Act, 2006 (for short, 'MSME Act') for resolution of the dispute. He relies upon the decision of the Supreme Court in ***Union of India v. M/s Sirus Global Pvt. Ltd., AIR 2022 SC 545*** to submit that as the proceedings under the MSME Act have been initiated, jurisdiction under Section 11 of the Act be not exercised.

Learned counsel for the petitioner is not disputing the factual position that the matter is pending before Micro and Small Enterprises Facilitation Council (for short, 'the Council'). However, he submits that the respondents are not likely to succeed in that proceedings.

Considering that the matter is pending before the Council, no case is made out for interference.

The petition is dismissed at this stage.

[AVNEESH JHINGAN]
JUDGE

20th February, 2023
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1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No