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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 4470/2022 and CM APPL. 17549/2023, REVIEW PET. 91/2023**

JAIPRAKASH ASSOCIATES LTD

..... Petitioner

Through: Mr. Anil Dutt & Mr. Tenzen Tashi  
Negi, Advocates (M-6230099000).

versus

MICRO AND SMALL ENTERPRISES FACILITATION COUNCIL  
(SOUTH EAST) GOVT OF NCT OF DELHI & ANR. .. Respondents

Through: Ms. Mreganka Kukreja, Advocate for  
Mr. Shadan Farasat, ASC,  
GNCTD/R-1 (M- 7049007766)  
Mr Vaibhav Gaggar & Mr. Ketan  
Sarraf, Advocates for R-2 (M-  
8285212361)

AND

+ **W.P.(C) 4520/2022 and CM APPL. 17737/2023, REVIEW PET. 92/2023**

JAIPRAKASH ASSOCIATES LTD

..... Petitioner

Through: Mr. Anil Dutt & Mr. Tenzen Tashi  
Negi, Advocates

versus

MICRO AND SMALL ENTERPRISES FACILITATION COUNCIL  
(SOUTH EAST) GOVERNMENT OF NCT OF DELHI  
AND ANR. .... Respondents

Through: Ms. Mreganka Kukreja, Advocate for  
Mr. Shadan Farasat, ASC,  
GNCTD/R-1.

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**ORDER**

% **12.04.2023**

1. This hearing has been done through hybrid mode.

**REVIEW PET. 91/2023 in W.P.(C) 4470/2022****REVIEW PET. 92/2023 in W.P.(C) 4520/2022**

2. These are two review petitions seeking review/ recall of the order dated 16<sup>th</sup> March 2023 passed by this Court.

3. The submission of Mr. Dutt, Id. Counsel for the Petitioner is that the contracts are work contracts as they involve the rendering of services. It is his case that his submission is wrongly recorded in paragraph 17. The same is as under:

*“17. At this stage, Mr. Dutt, Id. Counsel raises another submission that these are not works contracts as there are services also which are involved and that, post registration as an MSME, only in respect of one of the contracts, a bill has been raised. So disputes under all agreements ought not to be referred to arbitration.”*

4. In view of the submissions made by the Id. Counsel, paragraph 17 of the order dated 16<sup>th</sup> March, 2023 shall now read as under:

*“17. At this stage, Mr. Dutt, Id. Counsel raises another submission that these are works contracts as there are services also which are involved and that, post registration as an MSME, only in respect of one of the contracts, a bill has been raised. So disputes under all agreements ought not to be referred to arbitration.”*

5. In view of the above clarification made by Mr. Dutt, Id. Counsel, it is further clarified that the question as to whether the contracts involved are work contracts at all, shall be adjudicated by the Id. Arbitrator without being influenced by any observations made by this Court in the order dated 16<sup>th</sup> March, 2023.

6. With these observations, both the review petitions are disposed of. All

pending applications are also disposed of.

7. This order shall be uploaded as a corrigendum to the order dated 16<sup>th</sup> March, 2023.

**PRATHIBA M. SINGH, J.**

**APRIL 12, 2023**

*Rahul/KT*