



IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

957 ARBITRATION APPLICATION NO. 2 OF 2021

VIVEK YASHWANTRAO BHANDARE THR ITS PROPRIETOR ARCHANA VIVEK
BHANDARE

VERSUS

AHMEDNAGAR AUTO AND ENGINEERING ASSOCIATION THR MANAGER
ALIAS CHAIRMAN AND OTHERS

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Advocate for Applicant : Ms. Sakshi A. Kale h/f. Mr. A.B. Kale

Advocate for Respondent 1 : Mr. V.P. Latange

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CORAM : ARUN R. PEDNEKER, J.

Dated : September 10, 2024

PER COURT :-

1. Present application is filed seeking appointment of the arbitrator, by invoking the powers of this Court under section 11 (6) of the Arbitration and Conciliation Act, 1996.
2. The learned counsel appearing for respondent No. 1 has pointed out that the matter should lie before MSME Facilitation Council under section 18 of Micro, Small and Medium Enterprises Development Act, 2006 ('MSMED Act' for short) and not under Arbitration Act. The learned counsel has relied upon the judgment of this Court in **Arbitration Application No. 2/2022 decided on 16.1.2023 in the case of Bajaj Electricals Limited Vs. Chanda S. Khetawat & Anr.** wherein it is held that the provisions of MSMED Act will override the provisions of Arbitration Act and the petitioner can apply for resolution of disputes in terms of section 18 of MSMED Act before MSME Facilitation Council.
3. Both the parties are MSME and in view of the remedy provided to parties, the petitioner can apply for resolution of dispute and for recovery of

amount in terms of section 18 (1) of MSMED Act.

4. The learned counsel for the applicant seeks permission to withdraw the present arbitration application with liberty to apply for resolution of dispute before MSME Facilitation Council.

5. The applicant is permitted to withdraw the arbitration application with liberty to file the dispute before the appropriate authority for redressal of his grievance. The application is disposed of accordingly.

(ARUN R. PEDNEKER, J.)

ssc/