

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3381 OF 2020

M/s. Shamvik Glasstech Pvt. Ltd. Through N. K. ... Petitioner
Agrwal Gen. Manager

Versus

Micro and Small Enterprises Facilitation Council ... Respondents
through Member Secretary and anr.

Mr. Dilip Bodake for the Petitioner.

Mr. S. S. Borulkar i/b. Mr. C. P. Yadav for the Respondent No.2.

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATED: 13 February, 2024

P.C.

1. Not on board. Taken on production board.
2. Heard Mr. Bodake, learned counsel for the Petitioner and Mr. Borulkar, learned counsel for Respondent No.2.
3. The challenge in this Petition is to an Award dated 21st March, 2018 passed by Respondent No.1 which was received by the Petitioner on 4th April, 2018.
4. According to the learned counsel appearing for the Petitioner, the Award is passed without following the mandatory procedure provided under the provisions of Section 18(2) of the Micro, Small and Medium Enterprises Development Act, 2006 ('MSMED Act'). He further submits that the

Petitioner has filed an Application under Section 33 of the Arbitration and Conciliation Act, 1996 ('Arbitration Act') on 27th April, 2018, which was not entertained by Respondent No.1.

5. On perusal of Section 18 of the MSMED Act, it is quite clear that the provisions of the Arbitration Act will become applicable to the proceedings initiated under the MSMED Act. Thus, the Award being rendered under Section 18 of the MSMED Act, the provisions of the Arbitration Act would become applicable to assail the Award under Section 34 of the Arbitration Act.

6. Accordingly, we dispose of this Petition with liberty to the Petitioner to take recourse to the provisions of Section 34 of the Arbitration Act to assail the impugned Award.

7. All contentions of the parties are expressly kept open.

8. Needless to observe that as the Petitioner was *bonafide* pursuing the present proceedings, in the event the Petitioner is required to file an Application for condonation of delay in filing a Section 34 Petition, the Petitioner would be entitled to avail the benefit of the provisions of Section 14 of the Limitation Act, 1963.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)