

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**VASANT
ANANDRAO
IDHOL**

WRIT PETITION NO. 6715 OF 2024

Digitally signed by
VASANT
ANANDRAO
IDHOL

Date: 2024.07.01
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Executive Engineer Public Works Dept.

And Ors.

...Petitioners

Versus

State Of Maharashtra And Ors.

...Respondents

....

Adv.Shadab with Adv.Netra Satra i/b Mr.Navin Arora and Mr.Abhijeet Kumar Singh for the Petitioners.

Ms.VR. Raje, A.G.P. for the Respondent No.1 – State.

Mr.Thomas George for Respondent No.4.

....

CORAM : AVINASH G. GHAROTE, J.

DATE : 1ST JULY 2024

P.C.:

1. There is no dispute that consequent to the proceedings under Section 18(2) of Micro, Small and Medium enterprise Development Act, 2006 (MSMED Act), arbitration proceedings were commenced and the present petitioners have participated in those proceedings, which has resulted into passing of an award on 30.6.2023. The contention is that before the matter went to arbitration, the process of conciliation commenced under Section under Section 18(2) of MSMED Act could not have been

scuttled by initiating arbitration.

2. Learned counsel for the petitioners in support of this, points out to me page no.358, which is claimed to be a Memorandum of Settlement. I having gone through the document at page no.358, I do not find that it can be termed as a Memorandum of Settlement so as to stall initiation of arbitration under Section 18 (3). Even otherwise, it is an admitted position that the petitioners have participated in the arbitration proceedings without any demur and have raised a plea only after award is passed.

3. The petition is dismissed. No costs.

(AVINASH G. GHAROTE, J.)