

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-9544-2024 (O&M)
Date of decision:- 29.04.2024

General Manager (BSNL Telecom WE&I) WS&I Cell BSNL
Co., and others
...Petitioner(s)

Versus

State of Punjab and others
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA, ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE LAPITA BANERJI

Present: Mr. Rajesh Gupta, Advocate,
 for the petitioners.

Mr. Saurav Khurana, Additional Advocate General, Punjab.

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G.S. SANDHAWALIA, A.C.J. (ORAL)

1. The challenge in the present writ petition is to Rule 11 of the Punjab Micro and Small Enterprises Facilitation Council Rules, 2021 as being ultra vires in derogation of Section 18(3) of the Micro Small and Medium Enterprises Development Act, 2006.

 The subsequent challenge is also to the appointment of respondent No. 4 as an arbitrator under the said provisions and the Rules and for quashing of the order dated 05.04.2024 (Annexure P-7), whereby an application filed for dropping of the arbitration proceedings was rejected.

2. Learned State counsel has pointed out that the arbitrator has already concluded the proceedings and sent his report to respondent No. 3.

3. In such circumstances, we are of the considered opinion that it is open to the petitioners to challenge the same in accordance with the provisions of Section 34 of the Arbitration and Conciliation Act, 1996 keeping in view the peculiar facts and circumstances.

4. In such circumstances, we are not inclined in this particular case at least to examine the validity of the provisions as the whole purpose as such of the efficacy of the Act would be frustrated, whereas the private respondent No. 2 is only claiming the wage bill which was payable for the period pertaining to the year 2019.
5. The writ petition accordingly stands dismissed.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

29.04.2024
Amodh Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No