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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 16359/2024 & CM APPL. 69023/2024**
MS SHELLZ INDIA PRIVATE LIMITEDPetitioner

Through: Mr. Vaibhav Gaggar, Mr. Akshay
Srivastava, Mr. Suryansh Vashisth,
Mr. Jayant, Mr. Alankrit Bhatnagar,
Ms. Shefali Munde and Ms. Malavika
Chandramouli, Advocates.

versus

UNION OF INDIA AND ANRRespondents
Through: Mr. Rakesh Kumar, CGSC with Mr.
Sunil, Advocate for UOI.
Mr. Kalyan Babu Singh, G.P. for R-1.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
26.11.2024

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1. The Petitioner and Respondent No. 2 were engaged in arbitration proceedings referred under Section 18 of Micro, Small and Medium Enterprises Development Act, 2006,¹ before the Delhi International Arbitration Centre. The said arbitration proceedings were adjudicated and culminated into an arbitral award dated 20th March, 2023 which is now challenged under Section 34 of the Arbitration and Conciliation Act, 1996,² by the Petitioner.

2. In the above background, the Petitioner has now invoked the

¹“the MSMED Act”



jurisdiction of this Court impugning the registration of Respondent No. 2 under the MSMED Act and seeks directions for his grievance bearing No. DL00125248 to be decided by Respondent No. 1.

3. At the outset, the Court has queried whether during the arbitration proceedings or in the objection petition under Section 34 of the Arbitration and Conciliation Act, the Petitioner made any averment questioning Respondent No. 2's registration as an MSME. In response, it has been candidly admitted that no such allegation was ever made.

4. The arbitration proceedings having commenced under Section 18 of the MSMED Act arise on the basis of the status of Respondent No. 2 as an MSME. The question whether Respondent No. 2 wrongly registered itself as an MSME, is a factual dispute which ought to have been urged in the arbitration proceedings being a jurisdictional objection. The present petition is, thus, only an attempt to assail the arbitral award on a ground which the Petitioner failed to raise in the arbitration proceedings.

5. In light of the above, the Court is not inclined to entertain the present petition. Nonetheless, Petitioner's grievance under reference No. DL00125248 alleging that registration of Respondent No. 2 under the MSMED Act was illegal, shall be dealt with by Respondent No. 1 under the framework of the MSMED Act, in accordance with law.

6. With the above direction, the present petition is disposed of, along with pending application.

SANJEEV NARULA, J

NOVEMBER 26, 2024/as

² "the Arbitration and Conciliation Act"