

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16233 of 2024**

Indira Gandhi Institute of Medical Sciences, Sheikhpura, Patna through its  
Superintending Engineer Shailendra Kumar Singh, aged about 56 years  
(Male), Son of Shri Thakur Singh.

... .. Petitioner/s

Versus

1. The Secretary, Health Department, Govt. of Bihar, Patna.
2. M/s Rockwell Industrial Plants Limited, through its Managing Director Shri Manmohan Singh Sambi having its work office at VPO Sarsini (Lalru), Chandigarh-Ambala Highway Road, District- Mohali-140501 (Punjab).
3. Micro and Small Enterprises Facilitation Council, District Administrative Council, District Administrative Complex Sector 76, Sas Nagar, Chandigarh through its Chairperson.

... .. Respondent/s

**Appearance :**

|                            |   |                                          |
|----------------------------|---|------------------------------------------|
| For the Petitioner/s       | : | Mr.Sunil Kumar Singh, Adv.               |
| For the Respondent/s       | : | Mr. K. P. Gupta, Government Pleader (10) |
|                            |   | Mr. Satya Vart, AC to GP 10              |
| For the Private Respondent |   | Mr. Mrigank Mauli, Sr. Adv.              |
|                            |   | Mr. Wasi Mohammad, Adv.                  |

**CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY**  
**ORAL ORDER**

8      11-07-2025                      The present writ petition is filed challenging the  
  
award dated 29.01.2024 passed by the Chairperson, Micro and  
  
Small Enterprises Facilitation Council District Administrative  
  
Complex, Sas Nagar, Chandigarh.

2. Learned counsel appearing on behalf of the  
  
Respondent No. 2 has opposed the very maintainability of the  
  
present writ petition and relied on the Judgment of the Hon'ble  
  
Supreme Court in the case of *Harcharan Dass Gupta Versus*



*Union of India* reported in 2025 SCC OnLine 1111.

3. Learned counsel appearing on behalf of the petitioner has stated that the present writ petition is maintainable, that as per Clause 16 of the agreement entered between the petitioner and the Respondent No. 2 the legal jurisdiction is Patna City. Learned counsel appearing on behalf of the petitioner has also stated that there is an arbitration clause in the agreement, therefore, the present writ petition is maintainable before this High Court.

4. The Hon'ble Supreme Court in the case of *Harcharan Dass Gupta Versus Union of India* reported in 2025 SCC OnLine 1111 has held as under:-

*"10. The issue relating to 'seat of arbitration' in all cases covered under the MSMED Act is settled in view of the pronouncement of this Court in **Mahakali**. This position is also true by virtue of the specific provision of the MSMED Act, that is, sub-Section (4) of Section 18, which vests jurisdiction for arbitration in the Facilitation Council where the supplier is located:*

*"(4) Notwithstanding anything contained in any other law for the time being in force, the Micro and Small Enterprises Facilitation Council or the centre providing alternate dispute resolution*



*services shall have jurisdiction to act as an Arbitrator or Conciliator under this section in a dispute between the supplier located within its jurisdiction and a buyer located anywhere in India."*

5. Having regard to the fact that the impugned award is passed by the Chairperson, Micro and Small Enterprises Facilitation Council, District Administrative Complex, Sas Nagar, Chandigarh, this Court is of the opinion that the present writ petition is not maintainable before this Hon'ble Court. If the petitioner has any grievance his only remedy is to challenge the said award either before the Civil Court under Section 34 of the Arbitration Act by way of a Miscellaneous Appeal or before the Hon'ble High Court of Punjab and Haryana in case the said Court is having original jurisdiction.

6. Having regard to the above mentioned reasons, the present writ petition is disposed of granting liberty to the petitioner to avail the remedies as available to him under law before the appropriate forum within a period of four weeks from today. If any such appeal/application is filed challenging the impugned award dated 29.01.2024, the same shall be entertained and necessary order passed for condoning the delay duly taking into consideration the provisions of Section 14 of



the Limitation Act.

7. With the above directions, the present writ petition  
stands disposed of.

**(A. Abhishek Reddy , J)**

Bhardwaj/-

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