
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION APPLICATION NO. 297 OF 2024

Royal Aircon Private Limited ...Applicant

Versus

Micro & Small Enterprise Facilitation Council ...Respondents
Through Its Secretary, Mumbai & Anr

Mr. Pritesh Burad a/w *Samita Vaviya i/b. M/s. Pritesh Burad Associates for the Applicant.*

Mr. Harsh S. Moorjani a/w *Namrata Maru i/b Sneha Jethwa for Respondent No.2.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : MAY 6, 2025

PC :

1. On the basis of an additional affidavit filed on behalf of the Respondent it transpires that a fresh application has been approved by the Micro and Small Enterprise Facilitation Council ("***MSME Council***") and has been assigned an approved case number ending with 03069 on December 6, 2024. A hearing had been fixed for March 14, 2025, and it is now stated by the parties that the next date of hearing in that reference is May 15, 2025.

2. Learned Counsel for the Applicant submits that although it is a different reference, the subject matter of this reference is the very same set of disputes and differences underlying the disputes and differences referred to in the captioned Application filed in this Court.

3. In these circumstances, since the MSME Council is indeed seized of disputes and differences between the parties, the Application has rendered infructuous. Learned Counsel for the Applicant submits that he be given a liberty to withdraw the same and pursue his entitlements under the Micro, Small and Medium Enterprises Development Act, 2006 (“***MSMED Act***”) before the MSEF Council.

4. In these circumstances, liberty as prayed is granted. This Application is ***disposed of*** allowing the Applicant to proceed before the MSEF Council, leaving it open to him to come back, should his rights not be recognized by the MSEF Council this time around.

5. Needless to say nothing contained in this order is an expression of an opinion on the merits of the contentions raised on behalf of the Respondent including whether works contract could be agitated before the MSEF Council at an appropriate stage that issue will be answered by this Court.

6. Learned Counsel for the Respondent has raised other contentions too as to whether the Applicant is in compliance with Section 18(3) of the MSMED Act in the last round it is not necessary to answer those issues now, since it is for the MSEF Council which has approved the case and opened a file to deal with the say on merits.

7. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]