

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

COMMERCIAL ARBITRATION PETITION NO.233 OF 2024

Prabhat Powertech Pvt. Ltd.

...Petitioner

Versus

AAP Realtors Limited

...Respondent

Ms Ridhi Nyati a/w. *Nandita Wadhwa i/b. Ashwin Shanker,*
Advocate for Petitioner.

Mr. Rohan Sawant a/w. *Anant Ratnaparkhi & Kavish Arora i/b.*
IC Legal, Advocates for Respondent.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : FEBRUARY 26, 2025

PC :

1. This is a Petition filed under Section 37 of the Arbitration and Conciliation Act, 1996 (“*the Act*”).
2. The core issue that has been raised for consideration is whether the MSME Council lacks jurisdiction on the premise that the disputes between the parties relate to a works contract despite the contention of the Petitioner, that the only dispute involved is about payment under the contract. The date of registration with the MSME Council and the flow of benefits under the special legislation, in relation to contractual conduct prior to such date is also an issue that arises.

3. Heard Learned Counsel for the parties for an overview of the matter. Based on the nature of the issues involved and bearing in mind the scope of jurisdiction under Section 34 of the Act, Learned Counsel have graciously agreed that the Petitioner shall take not more than **20 minutes** and the Respondent shall take no longer than **20 minutes** for verbal arguments in the matter.

4. Towards this end, the parties shall file a short Note on Submissions, not exceeding five pages, along with page and case law references, focusing on the scope of Section 34 of the Act, and setting out the manner in which the points canvassed by them ought to be accepted by this Court.

5. It is made clear that the time commitments made above shall bind the parties, and such time shall be utilized at the discretion of the Counsel for verbalizing the pivotal submissions, resting assured that the rest of their contentions from their Note on Submissions, would be dealt with by the Court.

6. With the aforesaid commitments, stand over to ***March 25, 2025***, for final hearing and disposal.

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.]