

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

**COMMERCIAL ARBITRATION PETITION NO. 710 OF 2025
WITH
INTERIM APPLICATION NO. 5603 OF 2025**

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Saraswathi Vidya Bhavan

...Petitioner

Versus

Tulsidal Construction

...Respondent

Mr. Tushad Kakalia a/w. *Mr. Hormuz Mehta and Mr. Shaan Mamta Bhatt i/b J. Sagar Associates, for Petitioner.*

Mr. Sushant Arora a/w. *Ms. Vaishnavi Adhav and Ms. Anushka Deshmukh i/b L R & Associates, for Respondent.*

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : October 17, 2025

ORDER :

1. This is a Petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 (***“the Act”***).
2. Having heard the parties for some time, it is apparent that by a notice dated September 30, 2025, the Micro and Small Enterprises Facilitation Council (***“Facilitation Council”***) has issued an email specifically indicating that the Respondent as a Petitioner and the Petitioner in this case, as a Respondent, in a matter that has been converted into a registered case before the Facilitation Council.
3. The interlocutory reliefs being sought in Interim Application

No. 5603 of 2025 can be pursued before the Facilitation Council. The Facilitation Council is requested to consider such interlocutory relief as it may deem necessary bearing in mind whether or not the contract is terminable and whether specific relief can be granted considering the nature of the contract. It shall be open to the Facilitation Council to also make interlocutory arrangements which may be found appropriate by it in its discretion, subject of course, to the Petitioner's entitlements in law to challenge the same.

4. Since proceedings under the Micro, Small and Medium Enterprises Development Act, 2006 have been triggered, it would not be appropriate for this Court to entertain the interim application, the interim application may be pursued before the Facilitation Council.

5. An additional affidavit of the Applicant is taken on record. Reply to the Interim Application is also taken on record. The Petition under Section 9 is converted into an application under Section 17 for consideration by the Facilitation Council.

6. ***Finally disposed of*** in the aforesaid terms.

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.]