



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAW) NO. 121 OF 2025

IN

WRIT PETITION NO. 67 OF 2022 (D)

(Dee Vee Projects Ltd., Thr. its Assistant General Manager

Vs.

Medium and Small Enterprises Facilitation Council, Thr. its Presiding
Officer & Anr.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. F.T. Mirza, Senior Advocate a/b Mr. N.B. Karade, Advocate for the Applicant/Petitioner.

Mr. S.M. Pande, Advocate for the Non-applicant/Respondent No.2.

CORAM: AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.

DATED : 4th MARCH, 2025

1. Heard.

2. The learned Division Bench of this Court in Arbitration Reference in Sheela Chowgule Vs. Vijay V. Chowgule & Ors., Writ Petition No.88/2024, decided on 07.08.2024, has rendered the following opinion.

“34(i) - In the event an Arbitral Tribunal constituted by the High Court under Section 11(6) fails to complete the proceedings within the stipulated period/extended period, then an application under Section 29-A(4) would lie to the High Court in case of a domestic arbitration.

(ii) In answer to the second question, we opine that in the event an Arbitral Tribunal consisting of three Arbitrators is constituted as per Section 11(2) i.e. with agreement and consent of the parties, fails to complete the proceedings within the stipulated period/extended period, the

application under Section 29-A(4) would lie to the principal Civil Court of original jurisdiction in a district and includes the High Court in exercise of its ordinary original jurisdiction.”

3. In the instant matter, it is not disputed, that the Arbitral Tribunal was constituted, in view of the statutory provisions of Micro, Small and Medium Enterprises Development Act, 2006, in view of which it is clear, that the jurisdiction under Section 11(6) has not been exercised by this Court.

4. This would clearly indicate, that an application for extension of time will have to be made before the Principal Civil Court of original jurisdiction as defined in Section 2(1)(e) of the Arbitration and Conciliation Act, 1996, in view of which, the request by the Non-applicant/Respondent No.2, for extension of time will have to be considered by the said Court.

5. The Application is therefore **rejected**. No costs.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)