



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-14186-2023

Date of Decision : 25.02.2025

M/S JAI BHUSHAN MALIK AND ANOTHER

.....Petitioners

VERSUS

**THE DISTRICT LEVEL MICRO AND SMALL ENTERPRISES
FACILITATION COUNCIL, PATIALA AND OTHERS**

.....Respondents

CWP-14398-2023

M/S JAI BHUSHAN MALIK AND ANOTHER

.....Petitioners

VERSUS

**THE DISTRICT LEVEL MICRO AND SMALL ENTERPRISES
FACILITATION COUNCIL, PATIALA AND OTHERS**

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Dheeraj Mahajan, Advocate,
for the petitioners.

Ms. Arundhati Kulshreshtha, AAG, Punjab.

Mr. Prav Chadha, Advocate,
for respondents no.2 to 4.

KULDEEP TIWARI, J.(Oral)

1. Since a common issue involves in both the petitions, therefore, both being amenable for common decision, same are taken up together.

2. Through the instant writ petition filed under Article 226/227 of the Constitution of India, a prayer is made for quashing of impugned order/Award dated 27.07.2022, passed by respondent no.1, whereby the claim of the petitioner under Section 18 of the MSME Act, 2006

(hereinafter referred to as the 'Act of 2006'), has been rejected on account of the petitioner-firm is not registered as consumer under the said Act, at the time of entering into agreement.

3. Today, learned counsel for the petitioners submits that the agreement carries a regular arbitration clause, and now petitioners want to invoke the regular arbitration clause, therefore, the dispute can be adjudicated through an arbitration process.

4. He further draws attention of this Court towards the reply filed on behalf of respondents no2 to 4, wherethrough, a similar objection has been taken.

5. In view of the above submissions, this Court deems it fit and appropriate to relegate the present petitioners to invoke the arbitration clause as the contract agreement carries.

6. In case the petitioners invoke the arbitration clause, the declining order passed by the MSME Act, 2006, would not come in the way of the present petitioners.

7. Consequently, the instant petitions are, **disposed of** accordingly.

8. All pending application(s), if any, stand **disposed of** accordingly.

9. A photocopy of this order be placed on the file of the connected case.

February 25, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No