

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

120

CWP-18680-2025

Date of Decision : July 09, 2025

M/S R.V. INDUSTRIES

-PETITIONER

V/S

**MICRO AND SMALL ENTERPRISES FACILITATION COUNCIL
THROUGH ITS SECRETARY AND OTHERS**

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. R.S. Randhawa, Advocate with
Mr. Abhinav Kansal, Advocate
for the petitioner.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, prayer is made for setting aside the award dated 12.09.2024 (Annexure P-1), whereby, the reference made under Section 18 of the Micro, Small and Medium Enterprises Development Act, 2006, has been answered by the respondent No.1 in favour of the respondent No.3/claimant.

2. At the outset, this Court posed a specific query to the learned counsel for the petitioner, as to why objections have not been filed under the apt provisions of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act of 1996').

3. The learned counsel for the petitioner, by referring to the earlier round of litigation, submits that, the award passed by the Sole Arbitrator on 12.01.2019 was set aside by this Court and the matter was remanded to the respondent No.1 to pass an award by considering the award of the Sole

Arbitrator as a report of the expert. He further submits that, although the award has now been passed, however, the same has been passed ex parte and without considering objections.

4. This Court is of the view that, the issue(s) raised by the petitioner before this Court can very well be raised by filing objections under the apt provisions of the Act of 1996.

5. Faced with the above situation, the learned counsel for the petitioner seeks leave to withdraw the instant writ petition, however, with liberty to file the apposite objections. He also requests that, since there is likelihood of the apposite objections to be filed by the petitioner being time barred, hence directions may be issued to the authority/forum/court concerned to consider his case sympathetically for condoning the delay.

6. Considering the *bona fide* request made by the petitioner's counsel, the petitioner is granted liberty to take recourse to the statutory remedy of filing objections under the apt provisions of the Act of 1996. Moreover, in case the objections are accompanied by an application for condonation of delay, the authority/forum/court concerned shall expeditiously consider the same in a sympathetic manner and by taking into consideration the mitigating circumstances, however within framework of Act of 1996.

7. **Disposed of accordingly.**

July 09, 2025
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(KULDEEP TIWARI)
JUDGE

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