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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 14342/2025, CM APPL. 58773/2025, CM APPL.58774/2025

SHELLZ INDIA LTD THROUGH

MR. SUMIT KUMAR, AUTHORISED REPRESENTATIVE

.....Petitioner

Through: Mr. Sameer Rohtagi, Mr. Namit Suri,
Mr. Rameezuddin Raja and Mr.
Saurabh Sinha, Advocates.

versus

UNION OF INDIA MINISTRY OF MICRO, SMALL
AND MEDIUM ENTERPRISES, THROUGH ADDITIONAL
SECRETARY AND DEVELOPMENT COMMISSIONER & ORS.

.....Respondents

Through: Mr. Nishant Gautam, CGSC
alongwith Mr. Vardhman Kaushik
and Mr. Prithvi Raj Dey, Advocates
for R1 to R3.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **17.09.2025**

1. After some hearing, learned counsel for the petitioner confines himself to seeking that the directions contained in the order dated 26.11.2024 passed by this Court in W.P.(C) 16359/2024 be complied with by the respondent no.1/respondent no.2. The said order reads as under:

“1. The Petitioner and Respondent No. 2 were engaged in arbitration proceedings referred under Section 18 of Micro, Small and Medium Enterprises Development Act, 2006, before the Delhi International Arbitration Centre. The said arbitration proceedings were adjudicated and culminated into an arbitral award dated 20th March, 2023 which is now challenged under Section 34 of the Arbitration and Conciliation Act, 1996, by the Petitioner.

2. In the above background, the Petitioner has now invoked the



jurisdiction of this Court impugning the registration of Respondent No. 2 under the MSMED Act and seeks directions for his grievance bearing No. DL00125248 to be decided by Respondent No. 1.

3. At the outset, the Court has queried whether during the arbitration proceedings or in the objection petition under Section 34 of the Arbitration and Conciliation Act, the Petitioner made any averment questioning Respondent No. 2's registration as an MSME. In response, it has been candidly admitted that no such allegation was ever made.

4. The arbitration proceedings having commenced under Section 18 of the MSMED Act arise on the basis of the status of Respondent No. 2 as an MSME. The question whether Respondent No. 2 wrongly registered itself as an MSME, is a factual dispute which ought to have been urged in the arbitration proceedings being a jurisdictional objection. The present petition is, thus, only an attempt to assail the arbitral award on a ground which the Petitioner failed to raise in the arbitration proceedings.

5. In light of the above, the Court is not inclined to entertain the present petition. Nonetheless, Petitioner's grievance under reference No. DL00125248 alleging that registration of Respondent No. 2 under the MSMED Act was illegal, shall be dealt with by Respondent No. 1 under the framework of the MSMED Act, in accordance with law.

6. With the above direction, the present petition is disposed of, along with pending application."

2. It can be seen that, in terms of paragraph no. 5 thereof, it was incumbent on the concerned official respondents to examine the petitioner's grievance as regards alleged wrongful/fraudulent registration obtained by the respondent no.4.

3. Various subsequent letters were sent by the petitioner in the aftermath of the aforesaid order, calling upon the official respondents to examine the petitioner's representation and take requisite decision, however, to no avail.

4. Learned counsel for the respondent no.1 and 2 assures and undertakes that the grievance of the petitioner, as noticed in the order dated 26.11.2024, shall be duly considered and a reasoned order shall be passed. Let the same be done as expeditiously as possible, and preferably within a period of six



weeks from today.

5. The present petition stands disposed of in the above terms.

SACHIN DATTA, J

SEPTEMBER 17, 2025/at