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

+ **W.P.(C) 14958/2025 and CM APPL.61532/2025**

**MS FABLIFE PROCESS TECHNOLOGIES LLP NOW KNOWN
AS FABL INTERNATIONAL TECHNOLOGIES LLP.....Petitioner**

**Through: Mr. Ritwik Parikh, Mr. Satwik Parikh
and Mr. Manish Ratan Tomar, Advs.**

versus

CONTINENTAL ROADWAYS PVT LTD & ORS.Respondents

**Through: Mr. Aditya Goel, Mr. Anil Goel and
Mr. Pranjal Sharma, Advs. for R-1.**

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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25.09.2025

1. The present petition has been filed by the petitioner seeking the following prayers: -

“A. That this Hon’ble Court may be pleased to issue a writ of certiorari or any other appropriate writ, order or direction under Articles 226, 227 of the Constitution of India, 1950 thereby quashing/setting aside:

- i. the impugned referral Order dated 26.09.2024 of the Respondent No. 2 - Facilitation Council passed under Section 18(3) thereby referring the dispute for arbitration to the Respondent No.3 – DIAC;*
- ii. all consequential orders passed by the Respondent No.3 - DIAC in furtherance of the impugned referral Order dated 26.09.2024 including Order dated 06.08.2025;*
- iii. the entire arbitration proceedings initiated before the Respondent No.3 - DIAC in Case Ref No. DIAC / 9545 / 11–24 as a result of the impugned referral Order dated 26.09.2024.(Not available with Petitioner).*

B. That this Hon’ble Court may be pleased issue a writ of mandamus or any other appropriate writ, order or direction to Respondent No. 2 (Facilitation Council) to forthwith comply with Section 18(2) of the MSMED Act, 2006, by conducting mandatory conciliation in the dispute between Respondent No.1 and the Petitioner by granting the Petitioner



an opportunity to participate and be heard in the conciliation proceedings, before the exercise of its powers under Section 18(3). This Hon'ble Court may further direct that only if such conciliation fails and is formally terminated in accordance with law, that the Respondent No.2 - Facilitation Council can exercise its powers Section 18(3), and even in that event, due notice shall be given to the Petitioner.

C. That this Hon'ble Court may be pleased to direct that in the event the matter is remitted/remanded for conciliation and/or fresh decision, the Petitioner's objections regarding the maintainability and genuineness of the claim (including allegations of forgery) shall be duly taken into account by the Respondent No.2/Respondent No.3 in accordance with law, after giving due opportunity to both sides.

D. And for such further direction(s) as this Hon'ble Court may deem fit and proper to pass in the interest of justice."

2. The background of the matter is that the petitioner (a company dedicated in designing and manufacturing high-end pharmaceutical machinery) entered into an agreement/contract with respondent no.1/M/s Continental Roadways Pvt. Ltd for providing goods/transportation services to the petitioner. Subsequently, however, disputes arose between the parties in context of alleged non-payment of dues by the petitioner against certain bills/invoices raised by the respondent no.1 for the services rendered by it. Consequently, a reference dated 15.01.2024 under Section 18 of the Micro Small & Medium Enterprises Development (MSMED) Act, 2006 (hereinafter referred as "*the MSMED Act*") was filed by the respondent no.1 before the Micro and Small Enterprise Facilitation Council (MSEFC) for adjudication of the dispute/s.

3. Thereafter, vide notice dated 24.09.2024, the respondent no.2 scheduled a meeting for conciliation and directed physical presence of a representative of the respective parties. The said order reads as under: -



NOTICE

Whereas a reference under section 18 of the MSEMED Act, 2006 has been filed online on MSME Samadhan Portal by Mr/Ms. Pawan Kumar Mittal of M/s Continental Roadways Private Limited, Address- CB 220, 2nd Floor, Ring Road, Naraina, CB BLOCK, New Delhi. (herein after referred to as Supplier) against the Buyer M/s Fablife Process Technologies Llp, Address:- 615, Janki Centre, Opposite Veera Desai Road, Andheri West, Mumbai-400053, Case No **DL/03/S/SWC/01742** before the Micro and Small Enterprises Facilitation Council (MSEFC), South-West.

Whereas meeting of the MSEFC, South-West is being convened to consider the above stated reference on **Thursday the 26th of September 2024 at 11:00 A.M. in the Conference Hall of District Magistrate, South-West's Office at Old Terminal Tax Building, Kapashera, New Delhi -110037.**

You being a party to the said reference are required to appear in person or through duly authorized representative (possessing **Authority letter or Vakalatnama**) who is well versed with the subject matter of the case **alongwith complete copy of MSME Registration Certificate and Work Order**, before the Council at the above mentioned date and time. The Respondent should file a written reply before the Council.

S.O. (HQ)/L.O
District South West

Copy to:-

1. M/s Continental Roadways Private Limited, Address- CB 220, 2nd Floor, Ring Road, Naraina, CB BLOCK, New Delhi.
2. M/s Fablife Process Technologies Llp, Address:- 615, Janki Centre, Opposite Veera Desai Road, Andheri West, Mumbai-400053.

4. Learned counsel on behalf of the petitioner submits that *vide* an email dated 25.09.2024, the petitioner expressed its inability to be physically present before the MSEFC on the scheduled dated and requested respondent no.2 to either grant an adjournment or alternatively a liberty to be present virtually before the MSEFC. The said email reads as under:-

<amjad.arbani@fabtechnologies.com>

Wed, 25 Sept, 2024 at 6:46 pm

To: msmsesw@gmail.com

Cc: continental.delhi@gmail.com, Ashwin <transport@fabtechnologies.com>, Shubhankar Gokhale <shubhankar.gokhale@fabtechnologies.com>, recordkeeping2k24@gmail.com

Respected Sir / Madam,

I, Amjad Arbani, Designated Partner of **FABL International Technologies LLP (Formerly known as Fablife Process Technologies LLP)** on behalf of Respondent in Case No. **DL/03/S/SWC/01742**, wish to inform you that on 24.09.2024 I have received email for physical appearance before the MSME on 26.09.2024. As we are located in Mumbai it is not possible for us to arrange for physical appearance before MSME on such short notice. Hence, I request you to provide a suitable adjournment in the matter or alternatively provide us the VC



Link for appearance via video conference on 26.09.2024. In addition, I request you to instruct the Complainant (Petitioner) to provide us a complete copy of the said complaint.

Thanking you.

For FABL International Technologies LLP
(Formerly known as Fablife Process Technologies LLP)

Amjad Arbani
Designated Partner
[Quoted text hidden]

5. Thereafter, it is submitted that the petitioner received an email dated 28.09.2024 from respondent no.1 intimating that the meeting has been rescheduled for 03.10.2024 by respondent no.2. The said email reads as under: -

----- Forwarded message -----
From: <msmesw@gmail.com>
Date: Sat, Sep 28, 2024 at 4:31 PM
Subject: Notice has been issued on the MSME Samadhan Portal under Section 18 of the MSME Act, 2006 and a meeting has been scheduled on Thursday the 03rd of October 2024 at 11:00 A.M.
To: <continental.delhi@gmail.com>

NOTICE

Whereas a reference under section 18 of the MSEMED Act, 2006 has been filed online on MSME Samadhan Portal by Mr./Ms. Pawan Kumar Mittal of M/s Continental Roadways Private Limited, Address- CB 220, 2nd Floor, Ring Road, Naraina, CB BLOCK, New Delhi. (herein after referred to as Supplier) against the Buyer M/s Fablife Process Technologies Llp, Address:- 615, Janki Centre, Opposite Veera Desai Road, Andheri West, Mumbai-400053, Case No DL/03/S/SWC/01742 before the Micro and Small Enterprises Facilitation Council (MSEFC), South-West.

Whereas meeting of the MSEFC, South-West is being convened to consider the above stated reference on Thursday the 03rd of October 2024 at 11:00 A.M. in the Conference Hall of District Magistrate, South-West's Office at Old Terminal Tax Building, Kapashera, New Delhi -110037.

You being a party to the said reference are required to appear in person or through duly authorized representative (possessing Authority letter or Vakalatnama) who is well versed with the subject matter of the case alongwith complete copy of MSME Registration Certificate and Work Order, before the Council at the above mentioned date and time. The Respondent should file a written reply before the Council.

S.O. (HQ)/L.O
District South West

Copy to:-

1. M/s Continental Roadways Private Limited, Address- CB 220, 2nd Floor, Ring Road, Naraina, CB BLOCK, New Delhi.
2. M/s Fablife Process Technologies Llp, Address:- 615, Janki Centre, Opposite Veera Desai Road, Andheri West, Mumbai-400053.

6. However, it is the case of the petitioner that when a representative of



the petitioner visited the MSEFC, South-West on 03.10.2024 to represent the petitioner in the aforesaid reference, the representative was orally informed that the said reference *vide* an order dated 26.09.2024 under Section 18(3) of the MSMED Act has already been referred for arbitration by respondent no.2 to respondent no.3/ Delhi International Arbitration Centre (DIAC). Aggrieved, the petitioner preferred an application before respondent no.2 seeking recall of the order dated 26.09.2024 passed by the respondent no.2.

7. However, it is submitted that the respondent no.2 failed to initiate any action *qua* the aforementioned application and instead petitioner on 14.10.2024 received a letter bearing F No. DM/SW/SDM (HQ)/MSME/2023/91001 dated 04.10.2024 from the Office of the Sub-Divisional Magistrate (Headquarter), District Magistrate (South West), Kapashera, New Delhi stating as under:-

ANNEXURE-P7


GOVERNMENT OF NCT OF DELHI
OFFICE OF THE SUB DIVISIONAL MAGISTRATE (HEADQUARTER)
DISTRICT MAGISTRATE (SOUTH WEST)'S OFFICE COMPLEX,
OLD TERMINAL TAX BUILDING, KAPASHERA, NEW DELHI - 110037.
F.No. DM/SW/SDM(HQ)/MSME/2023/91001 Dated: 04.10.2024
Case No. DL/03/S/SWC/01742

To,

The Co-ordinator,
Delhi International Arbitration Centre (DIAC),
Delhi High Court Campus, Shershah Road,
New Delhi-110003

Sub: Forwarding reference filed under Section 18 of the Micro, Small & Medium Enterprises Development (MSMED) Act, 2006 by Mr./Ms. Pawan Kumar Mittal of M/S CONTINENTAL ROADWAYS PRIVATE LIMITED Case No. DL/03/S/SWC/01742 related to delayed Payment.

Sir,

This is to inform you that Micro and Small Enterprises Facilitation Council (MSEFC) South-West had been established u/s 20 of the Micro, Small & Medium Enterprises Development (MSMED) Act, 2006 vide Notification No. F.No. 1 (MSME)/01/2019Pt. File/3120 dated 30/09/2020 issued by the Hon'ble Lt. Governor, NCT of Delhi in exercise of the power conferred u/s 2(P) of the Micro, Small and Medium Enterprises Development Act, 2006.

It is further informed that Mr./Ms. Pawan Kumar Mittal of M/S CONTINENTAL ROADWAYS PRIVATE LIMITED had filed a reference on 1/15/2024 u/s 18 of the Micro Small & Medium Enterprises Development (MSMED) Act, 2006 before the Council for adjudication of disputed/delayed payment by M/S Fablife Process Technologies LLP.

Proceedings were initiated in the matter and the parties were summoned for the hearings, however no settlement has been reached and therefore on 26.09.2024 the Council has arrived at the conclusion the conciliation is not possible in this case and it was therefore decided to terminate the conciliation proceedings and refer this case u/s 18(3) of the Micro Small and Medium Enterprises Development Act, 2006 to the Delhi International Arbitration center (DIAC) for initiating arbitration proceedings as per the Arbitration and Conciliation Act, 1996.

Therefore, the reference filed by Mr./Ms. Pawan Kumar Mittal of M/S CONTINENTAL ROADWAYS PRIVATE LIMITED against M/S Fablife Process Technologies LLP along-with relevant documents is forwarded herewith for arbitration.


Sub Divisional Magistrate (HQ)
District South West

Copy to:-

1. M/s CONTINENTAL ROADWAYS PRIVATE LIMITED, Address- CB 220, 2nd Floor, Ring Road, Naraina, CB BLOCK, New Delhi-110028.
2. M/S Fablife Process Technologies LLP, Address:- 515, Janki Centre, Opposite Veera Desai Road, Andheri West, Mumbai-400053

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 06/10/2025 at 12:18:00



8. Upon receipt of the aforesaid letter, the petitioner preferred an application dated 06.12.2024 before respondent no.3 seeking as under:

“1. That, Respondent was not present during Conciliation meeting dtd. 26.09.2024 but by Email dated 25.09.2024, he communicated about short service and to provide any other suitable date. A true and correct copy of Email reply dated 26.09.2024 given by the Respondent to the Applicant is EXHIBIT - A.

*2. My Email dated 28.09.2024, Micro and Small Enterprises Facilitation Council (MSEFC), South - West informed the Respondent (M/s. Fablife Process Technologies LLP) that the meeting is fixed on 03.10.2024 at 11.00 am before Micro and Small Enterprises Facilitation Council (MSEFC), South -West. Accordingly, on 03.10.2024, Authorized Representative of Respondent visited the Micro and Small Enterprises Facilitation Council (MSEFC), South-West was present for the purpose of conciliation proceeding, however, he was orally told that the matter was already referred for arbitration proceedings. Immediately, the Authorized Representative-Manish Ratan Tomar filed an Application for Recall of the order dated 26.09.2024 passed by the Micro and Small Enterprises Facilitation Council (MSEFC), South -West, by stating the correct facts, by placing on record the objection, that conciliation proceeding was not actually happened at any point of time. Therefore, the observation as made in Para No.3 of the letter communicated vide No. F. No. DM / SW / SDM (HQ) / MSME / 2023 / 91001 dated 04.10.2024 is factually incorrect and the correct position has to be considered. A true and correct copy of Application for Recall of order dated 26.09.2024 passed by the Micro and Small Enterprises Facilitation Council (MSEFC), South - West filed by Authorized Representative-Mr. Manish Ratan Tomar is **EXHIBIT - B**.*

3. That, Section 18 (2) of the Micro, Small and Medium Enterprises Development Act, 2006 provides for above conciliation as its mandatory part, in which conciliator has to be actually sit across the table, hear the parties and after conciliation to prepare a report whether the conciliation is possible or not? Only after actually conducting the conciliation process and completing the same that a report is required to be given.

4. In present case, the communications show that the request was made for video - conference by the Respondent, yet due to no response on 03.10.2024, Authorized Representative - Mr. Manish Ratan Tomar remained present before the Micro and Small Enterprises Facilitation Council (MSEFC), South-West.

5. So, in present case there is gross violation of provisions contained under sections 65 to 81 of Arbitration and Conciliation Act, 1996, r/w. section 18 (2) of Micro, Small and Medium Enterprises Development Act,



2006 by the conciliator during the conciliation stage for resolving the dispute between the parties.

6. In the above facts and circumstance, the Respondent through its Authorized Representative, prays before this Hon'ble Arbitration Centre as under:-

-:PRAYERS:-

[A] That this Hon'ble Arbitration Center be pleased to place the above facts before the Micro and Small Enterprises Facilitation Council (MSEFC), South - West for placing the matter before the Conciliator for actual meaningful Conciliation in the above dispute as per Section 18 (2) Micro, Small and Medium Enterprises Development Act, 2006....”

9. However, consequent to the MSEFC referral of the matter to the respondent no.3, an Arbitral Tribunal was duly constituted. Further, in the proceedings before the Arbitral Tribunal an order dated 06.08.2025 also came to be passed. The same reads as under:-

In the matter of Arbitration between:-
M/S CONTINENTAL ROADWAYS PRIVATE LIMITED ... CLAIMANT

VERSUS

M/S FABLIFE PROCESS TECHNOLOGIES LLP ... RESPONDENT

2nd ARBITRATION PROCEEDINGS DATED 06.08.2025
(THROUGH PHYSICAL CONFERENCING)

Present :-

For the Claimant: Ms. Chanchal Sharma, Advocate
Email Id. internationallegalnetwork@gmail.com
Mob. No. 9310346603, 9999904433

For the Respondent: None.

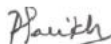
For the DIAC: Mohd. Zaheb Hussain, Dy. Counsel

ORDER

1. It is submitted by the Counsel for the Claimant that she has inadvertently file the hard copy of the Statement of Claim with the MSME, as such she seeks short adjournment for filing the hard/original copy with the undersigned as well as to the DIAC within ten days. However, she submitted that she will file the soft copy on the respective email ids of the undersigned as well as to the DIAC within two days. Request of the Counsel for the Claimant is allowed.
2. The Claimant is also directed to send the Statement of Claim along with the documents by way of speed post to the available address of the Respondent and also through email id as well as on whatsapp to the Respondent within ten (10) days from today. The claimant is also directed to file the affidavit of service.



3. The Respondent is directed to file the Statement of Defence as well as the Counter-Claim, if any, within thirty days from the receiving of the Statement of Claim to the undersigned as well as to the DIAC on the respective email ids. The Respondent is also directed to file the hard/original copy of the Statement of Defence along with the documents and the Counter-Claim, if any, with the undersigned on or before the next date of hearing.
4. The Counsel for the Claimant today submitted the email ids of the Respondent i.e. amjad.arbani@fabtechnologies.com, transport@fabtechnologies.com and available whatsapp no. of the Respondent Company 9324261417.
5. The Claimant is directed to send copy of the today's order to Respondent on the aforesaid email ids and whatsapp no. and also to the available address of the Respondent.
6. The Dy. Counsel is also requested to send the information of today's hearing to the Respondent on the above said email ids of the Respondent submitted by the Counsel for the Claimant.
7. Both the parties are directed to appear physically or through their counsels on the next date of hearing.
8. It is informed by the Dy. Counsel that the arbitral fee has already deposited by Claimant and the Respondent is yet to be deposited its share of the arbitral fee. The Respondent is directed to deposit the same on or before the next date of hearing.
9. List the matter on **26.09.2025 from 02:00 PM to 03:00 PM** at DIAC through physical mode for further proceedings.


true Copy

(NEERAJ GUPTA)
SOLE ARBITRATOR
KD-113, Pitampura, Delhi-110034
Email Id. info@juslawoffices.com
06.08.2025/R2/RA

10. In the aforesaid circumstance, the present petition has been filed by the petitioner.

11. The primary grievance canvassed by the learned counsel on behalf of the petitioner is that (i) the aforesaid referral by respondent no.2 to respondent no.3/DIAC has been passed without giving the petitioner an opportunity to participate in the conciliation proceedings and by surpassing the procedural requirements laid down under section 18(2) of the *MSMED*



Act (ii) even the Arbitral proceedings before the Arbitral Tribunal are continuing *ex-parte* and without adjudication of the objections raised before respondent no.3 by the petitioner in an application dated 06.12.2024.

12. Learned counsel on behalf of respondent no.1 who appears on advance notice submits that the conciliation proceedings before MSEFC, were scheduled on several occasions, however, the petitioner remained absent on each of the scheduled date for hearing.

13. Considering that an arbitral tribunal has already been constituted for the adjudication of the disputes arising between the parties, at this stage, it would not be apposite to interfere with the referral order dated 26.09.2024.

14. In the circumstances, learned counsel for the petitioner confines himself to seeking that the jurisdictional objections of the petitioner be duly considered and decided by the Arbitral Tribunal.

15. In the circumstances, it is directed / clarified that it is open for the petitioner to raise appropriate grievance/ jurisdictional objections regarding the validity of order dated 26.09.2024 passed under Section 18(3) of MSMED Act, before the Arbitral Tribunal seized of the matter. If such objections are raised, the Arbitral Tribunal shall consider the same in accordance with law.

16. The petition is disposed of in above terms.

SACHIN DATTA, J

SEPTEMBER 25, 2025/cl