



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

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CWP-14532-2026

Date of Decision: 11.05.2026

BHARAT SANCHAR NIGAM LIMITED AND ORS. ...Petitioner
Vs.

DISTRICT LEVEL MICRO AND SMALL ENTERPRISES
FACILITATION COUNCIL & ANR. ...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Deepak Jindal, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioners through instant petition under Article 226/227 of the Constitution of India are seeking quashing of award dated 02.05.2024 whereby Facilitation Council, Patiala has granted a sum of Rs.11,69,066/- as interest under Micro, Small and Medium Enterprises Development (MSMED) Act, 2006 (for short '2006 Act') on the delayed payment of bills.

2. The Petitioner (BSNL) issued Notice inviting Tenders for work of "Infrastructure Maintenance in Patiala SSA". Respondent No.2 was allotted work of "Infrastructure Maintenance" by petitioner by way of agreement dated 23.04.2018. Respondent No.2 filed a claim petition under Section 18 of 2006 Act before Respondent No.1-Facilitation Council, Patiala which vide award dated 28.03.2022 directed the petitioner to pay interest of Rs.10,09,222/-. Petitioner approached this Court by way of *CWP-14235-2022* which vide order dated 29.05.2023 directed Respondent No.1 to decide the matter afresh by initiating fresh conciliation

proceedings as per law. On the directions of this Court, Facilitation Council has passed the impugned order granting interest of Rs.11,69,066/- to the respondent No.2.

3. Learned counsel for the petitioner submits that MSME entertained respondent's claim without jurisdiction. The respondent was not registered as Infrastructure Maintenance in Telecom, thus, Facilitation Council wrongly assumed jurisdiction. His contention is supported with the judgment of Hon'ble Supreme Court in ***"Tamil Nadu Cements Corporation Ltd. Vs. Micro and Small Enterprises Facilitation Council and Anr."***, (2025) 4 SCC 1.

4. Heard the arguments and perused the record.

5. This is second round of litigation. In the previous round, the petitioner preferred *CWP-14235-2022* before this Court assailing order passed by Arbitrator on the ground that there is non-compliance of Section 18(2) of 2006 Act. The said petition was allowed vide judgment dated 29.05.2023. The parties were relegated to appear before the Facilitation Council, Patiala. It is apt to mention here that connected petitions were dismissed and it was only *CWP-14235-2022* which was allowed. In para No.10 of the judgment, it was noticed that payment has already been released though there was some delay. The same was occasioned due to financial crunch instead of any malicious intent. Challenge was also raised to the rate of interest as awarded by the Facilitation Council. This Court noticed objection of maintainability of writ petition and applying judgment of Hon'ble Supreme Court in ***M/s Radha Krishan Industries Vs. State of Himachal Pradesh & Ors., 2021 SCC OnLine SC 334*** entertained writ petition and set aside award of Arbitrator.

6. Pursuant to aforesaid order, the parties appeared before the Facilitation Council and thereafter impugned order came to be passed. The petitioner at this stage is claiming that respondent was not registered with the Council for Infrastructure Maintenance in Telecom, thus, could not invoke jurisdiction of Facilitation Council. The petitioner is claiming that question of jurisdiction was raised in the previous round as well. From the perusal of judgment dated 29.05.2023, it is evident that writ petition was allowed and parties were directed to appear before Facilitation Council, Patiala. Non-adjudication of aforesaid question of jurisdiction amounts to rejection of said argument. It is further apt to notice that petitioner did not challenge judgment dated 29.05.2023 rather appeared before Facilitation Council and impugned order came to be passed. Principle of constructive *res judicata* as well as estoppel is applicable against the petitioner. This Court, in view of aforesaid judgment dated 29.05.2023 of this Court, cannot set aside impugned order on the ground that Facilitation Council did not carry jurisdiction to entertain respondent's application.

7. In the wake of above discussion and findings, this Court is of the considered opinion that the petition deserves to be dismissed and accordingly dismissed.

8. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

May 11, 2026
Deepak DPA

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No