



2026:DHC:1566



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2249/2026 and CM APPL. 10848/2026**

Date of Decision: **17.02.2026**

LALIT NARAYAN MITHILA UNIVERSITYPetitioner

Through: Mr. Nishi Kant Singh with Ms.
Geetanjali Setia & Ms. Manisha Suri,
Advs.

versus

DELHI INTERNATIONAL ARBITRATION CENTRE & ORS.

.....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. This petition is directed against the reference of disputes between the Petitioner and Respondent No.3 to arbitration by Respondent No.2, namely, the Micro and Small Enterprises Facilitation Council (**MSEFC**), in exercise of powers under Section 18 of the Micro, Small and Medium Enterprises Development Act, 2006 (**MSMED Act**), and the consequential arbitral proceedings arising therefrom. The challenge raised by the Petitioner is confined to a solitary ground, that the work forming the subject matter of the

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dispute was executed by Respondent No.3 prior to its obtaining registration under the MSMED Act. The sole challenge is on the ground that the work which formed the subject matter of the dispute was executed by respondent no.3 prior to its obtaining registration under the MSMED Act. The petitioner relies upon the Supreme Court decision in the case of ***Shilpi Industries v. Kerala State Road Transport Corporation and Anr¹***, to assert that dispute relating to contracts could not have been entertained by the MSEFC. The Court, while considering the issue at hand, relied upon the judgment of the Supreme Court of India in ***NBCC (India) Ltd. v. The State of West Bengal & Ors¹***. And, more particularly, paragraph 15 thereof, wherein it has been unequivocally held that the registration of an applicant under the MSME regime does not lose its legal significance merely because such registration was obtained after the dispute had arisen. Paragraph no.15 of the said decision is extracted as under:

“15. Having considered the definition of the expression ‘supplier’, and also having considered the classification of enterprises into micro, small and medium with respect to each of which there is a separate legal regime to be suggested by the Advisory Committee and notified by the Central and State Governments, and in view of the discretion specifically vested with the micro and small enterprises for filing a memorandum under Section 8 of the Act, the submission that the Facilitation Council cannot entertain a reference under Section 18 if the enterprise is not registered under Section 8 must be rejected.”

2. In view thereof, the decision of the Supreme Court in the case of NBCC would be a binding precedent and which unequivocally states that the registration of the MSME prior to relevant work would be of no

¹2021 SCC OnLine SC 439

¹ 2025 INSC 54

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consequence.

3. In view thereof, there is no merit in the instant petition, the same is accordingly dismissed. Pending application also stands disposed of.

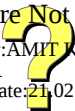
PURUSHAINdra KUMAR KAURAV, J

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