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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 267/2026 & CM APPL. 24439/2026, CM APPL. 24440/2026,
CM APPL. 24441/2026

MUNICIPAL CORPORATION OF DELHIAppellant

Through: Mr. Tushar Sannu and Mr. Priyankar,
Mr. Pulak Gupta Joshi, Advs.

versus

M/S VIJAY BANSALRespondent

Through: Ms. Kirti Mewar and Ms. Kriti
Sharma, Advs.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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15.04.2026

1. Heard learned counsel representing the parties.
2. This intra-court appeal seeks exception to an order 25.02.2026 passed by the learned Single Judge, whereby W.P.(C) 12308/2023, which was instituted by the appellant challenging the order dated 18.07.2022 by the Micro and Small Enterprises Facilitation Council has been dismissed.
3. The ground taken in the writ petition by the appellant was that since the respondent was registered as MSME under the Micro, Small and Medium Enterprises Development Act, 2006 (hereinafter referred to as 'the Act'), after the work order was issued to him by the appellant and therefore, Section 18 of the said Act, 2006, will have no application in the present matter.
4. The learned Single Judge has duly considered the said aspect of the matter and placing reliance on the judgment of the Hon'ble Supreme Court in *NBCC (India) Ltd. v. The State of West Bengal &Ors, 2025 INSC 54*



has ruled that even if the respondent was registered under the said Act after the work order was issued, the dispute can still be raised under Section 18 of the Act, 2006.

5. At this juncture, learned counsel for the appellant has submitted that in respect of the work orders, MSME does not apply in relation to a works contract and since the dispute sought to be raised by the respondent in this matter is in respect to a work order issued on 29.12.2016, the MSME Council did not have jurisdiction to entertain any writ petition under Section 18 of the Act, 2006.

6. The said ground is being urged for the first time before this Court in the appeal. The perusal of the averments made in the writ petition, which was instituted by the appellant before the learned Single Judge reveals no ground was either taken or urged in the proceeding of the writ petition.

7. Accordingly, for the aforesaid reasons, we are not inclined to interfere with the impugned order dated 25.02.2026 passed by the learned Single Judge. Resultantly, the appeal along with pending applications stands dismissed.

8. However, we make it clear that all the issues, which may be available to the parties, shall be permitted to be raised before the Arbitrator.

DEVENDRA KUMAR UPADHYAYA, CJ

ANISH DAYAL, J

APRIL 15, 2026/j