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

+ **W.P.(C) 12308/2023 & CM APPL. 48484/2023**

MUNICIPAL CORPORATION OF DELHIPetitioner

Through: Mr. Tushar Sannu with Mr. Priyankar
Tiwary & Ms. Pulak Gupta Joshi,
Advocates.

versus

M/S VIJAY BANSALRespondent

Through: Ms. Kirti Mewar with Ms. Mana
Singh & Mr. Ajay, Advs.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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25.02.2026

1. The sole reason to challenge the impugned order is founded on the ground that the application under Section 18 of the Micro, Small and Medium Enterprises Development Act, 2006 [MSMED Act] has been allowed by the Micro and Small Enterprises Facilitation Council [MSEFC] with respect to work orders issued prior to the registration of the respondent as MSME.
2. The aforesaid issue stands covered by the decision of the Supreme Court in the case of *NBCC (India) Ltd. v. The State of West Bengal & Ors¹*, In paragraph 5 of the said decision, the Supreme Court has framed the question which has been answered in paragraph 15 thereof. Paragraph nos. 5 and 15 are extracted as under:

¹ 2025 INSC 54



“5. Issue for our consideration: The question of law for our consideration is whether an MSME cannot make a reference to the Facilitation Council for dispute resolution under Section 18 of the Act if it is not registered under Section 8 of the Act before the execution of the contract with the buyer.

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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.”

3. In view of the aforesaid, the prayer made in the instant petition cannot be acceded to and the petition will have to fail. Accordingly the instant writ petition stands dismissed. Pending application also stands disposed of.
4. All rights and contentions of the parties are left open.

PURUSHAINDRA KUMAR KAURAV, J

FEBRUARY 25, 2026

Tr/ap