



2026:DHC:1454



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12469/2024 and CM APPL. 51893-51894/2024**

Date of Decision: **11.02.2026****IN THE MATTER OF:**

ENVIRONMENT PLANNING AND COORDINATION
ORGANIZATION VIROLOGY

.....Petitioner

Through: Ms. Manica Singh Avijit, Advocate.

versus

M/S SURESH GOEL AND ASSOCIATES AND ORS.

.....Respondents

Through: Mr Vinayak Marwah, Advocate for
R1.**CORAM:****HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****JUDGEMENT****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. The present petition assails the order dated 07.11.2022 (hereinafter "**Impugned Order**") passed by the Micro Small and Medium Enterprises Facilitation Council, South Revenue District (hereinafter "**Council**") under Section 18 of the Micro, Small and Medium Enterprises Development Act, 2006 (hereinafter "**MSME Act**"), whereby, the dispute between the petitioner and respondent no. 1 has been referred to the Delhi International Arbitration Centre ('**DIAC**') for arbitration.
2. The petitioner contends that the Impugned Order deserves to be set aside as the dispute which was referred for arbitration in the Impugned

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Order relates to the year 2012, while respondent no.1 got registered as a Micro Small and Medium ('MSME') in the year 2020. The petitioner, therefore, contends that respondent no. 1, could not have invoked the provisions of the MSME Act. It is further submitted that the petitioner that the respondent no. 1 registered itself as an MSME after agreement was entered into between the parties.

3. The Supreme Court in *NBCC (India) Ltd. v. The State of West Bengal & Ors.*,¹ dealt with the issue as to whether an MSME can make a reference to the Council for dispute resolution under Section 18 of the MSME Act even if it is not registered under Section 8 of the Act before the execution of the contract with the buyer. At para 15 of the said decision, the Supreme Court has found a reference under Section 18 to be maintainable by an unregistered firm. The material portion of the judgement reads 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."

(Emphasis supplied)

4. With respect to the other ground raised by the petitioner that the dispute is covered by the provisions of the State statute namely Madhya Pradesh Madhyastham Adhinyam, 1983, and not the MSME Act, this

¹ 2025 INSC 54.



aspect can be looked into, and is left for the adjudication of, the concerned arbitrator. If the petitioner, thereafter, has any grievance it shall be at liberty to take appropriate recourse.

5. In light of the facts and circumstances of the case, and the law discussed above, the Court finds that the Impugned Order does not call for any interference. Accordingly, leaving all other questions open, let the arbitration between the parties to continue.

6. With the aforesaid liberty being granted, the petition stands disposed of. Pending applications (if any) also stand disposed of.

PURUSHAINDRA KUMAR KAURAV, J

FEBRUARY 11, 2026

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