

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 4181 of 2023**

1. Steel Authority of India Ltd. (A Government Company Registered Under The Provision of the Companies Act, 1956/2023), Bhilai Steel Plant, Bhilai, District - Durg, Chhattisgarh, Through Its Power of Attorney Holder Vijay Kumar Mishra, General Manager (Law), Bhilai Steel Plant, Bhilai,
2. Assistance General Manager (Projects), Bhilai Steel Plant, Steel Authority of India Limited, Project Building No.2, Bhilai Steel Plant, Bhilai, District - Durg, 49001.

---- Petitioners**Versus**

1. Micro and Small Enterprises Facilitation Council, MSEFC, Through Its Secretary, Directorate of Industries, 3rd Floor, Nepal House, Doranda, Ranchi -834002, Jharkhand.
2. M/s. N P Construction, through Sole Proprietor Pramod Singh, Kapila Enclave, Flat No.501, Chas, Block -B, Chira Chas, Bokaro, District - Bokaro - 827013, Jharkhand.

---- Respondents

29.09.2023	Mr. Ankit Singhal, Advocate for petitioners. Heard. Issue notice to respondents on payment of process fee as per rules. Notice be made returnable within four weeks. Also heard on I.A. No. 01/2023, which is an application for grant of interim relief. Learned counsel for petitioners submits that the award of contract to the petitioner is of service and also the civil work and therefore entire work will fall within the Works Contract. In support of his contention, he places reliance upon the decision in the matter of National Textile Corporation Ltd. vs. Elixir Engineering Pvt. Ltd. in Commercial Arbitration Petition No. 326/2018 along with connected applications. He contended that the Facilitation Council can exercise its jurisdiction under Section 18 of the

Micro, Small and Medium Enterprise Development Act 2006, only when the dispute relates to non-payment of amount towards the supply of goods or services and therefore in the facts of the case, the Facilitation Council is having no jurisdiction. After receipt of the first notice, petitioner submitted detailed preliminary objection with regard to maintainability of proceedings before the Facilitation Council which till date has not been considered and decided.

Considering the submission of learned counsel for petitioner, purely as an interim measure, it is directed that further proceedings pending before Respondent No. 1 shall remain stayed till the next date of hearing.

List this case in week commencing from 28.11.2023.

Certified Copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge