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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 12456/2024 & CM APPL. 51856/2024**  
**MS TPL- KIPL JOINT VENTURES** .....Petitioner

Through: Ms. Renu Gupta and Ms. Carina  
Arora, Advocates.

versus

**MICRO AND SMALL ENTERPRISE FACILITATION COUNCIL,  
DISTRICT MAGISTRATE WEST, GOVT. OF NCT OF DELHI  
AND ANR** .....Respondents

Through: Mr. Bharat Bhusan B., Advocate for  
R-2.

**CORAM:**  
**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**  
**06.09.2024**

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**W.P.(C) 12456/2024 & CM APPL. 51857/2024 (seeking stay)**

1. The present petition impugns orders dated 10<sup>th</sup> July, 2024 and 29<sup>th</sup> July, 2024 in the case No. DL/04/DWC/00710 titled '*M/s KRA Infrastructure Developers Pvt. Ltd. v. M/s TPL-KIPL Joint Venture*', whereby the Micro and Small Enterprise Facilitation Council (MSEFC) has proceeded *ex-parte* against the Petitioner and referred the matter for arbitration to the Delhi International Arbitration Centre (DIAC) under Section 18 of the Micro, Small and Medium Enterprises Development Act, 2006<sup>1</sup>.
2. The Petitioner contends that the claims raised by Respondent No. 2

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<sup>1</sup> "MSMED Act"



pertain to a period prior to their registration under the MSMED Act. It is pointed out that the Letter of Intent (LOI) was issued on 27<sup>th</sup> November, 2017 and the Work Order was issued on 19<sup>th</sup> January, 2018. The Work Order was to be completed within a period of 24 from the date of LOI, i.e., by 27<sup>th</sup> November, 2019. Respondent No. 2 failed to complete the work within the time stipulated, and thus, the cause of action, if any, for the alleged claim of the Respondents, arises out of the aforementioned LOI and the Work Order. However, Respondent No. 2 was only registered under the MSMED Act on 7<sup>th</sup> November, 2020. Consequently, such claims could not have been referred to arbitration under Section 18(3) of the MSMED Act.

3. Issue notice. Mr. Bharat Bhusan B., counsel for Respondent No. 2, accepts notice and states that he will take instructions.
4. Issue notice to the remaining Respondents, by all permissible modes, upon filing of process fee, returnable on the next date of hearing.
5. Till the next date of hearing, the impugned orders dated 10<sup>th</sup> July, 2024 and 29<sup>th</sup> July, 2024, shall remain stayed.
6. Renotify on 13<sup>th</sup> September, 2024.

**SANJEEV NARULA, J**

**SEPTEMBER 6, 2024**

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