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

+ W.P.(C) 14435/2024

RICHA GLOBAL EXPORTS PVT. LTD.

.....Petitioner

Through: Mr. Sumit Gehlot, Mr. T.S. Thakran,
Mr. Rukun Vadehra, Advocates

versus

DELHI INTERNATIONAL ARBITRATION CENTRE & ORS.

.....Respondents

Through: Ms. Rachita Garg, Mr. Agam Rajput,
Ms. Preeti, Advocates for R-
2/MSEFC

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **15.10.2024**

CM APPL. 60477/2024 (Exemption)

1. Exemption is granted, subject to all just exceptions.
2. The Applicant shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

W.P.(C) 14435/2024 & CM APPL. 60478/2024 (for interim injunction)

4. The Petitioner has filed the present petition assailing order dated 30th May, 2022 issued by the Micro & Small Enterprise Facilitation Council ("MSEFC")/ Respondent No. 2, referring the Petitioner's dispute for adjudication to the Delhi International Arbitration Centre ("DIAC") under Section 18(3) of the Micro, Small & Medium Enterprises Development ("MSMED") Act, 2006. Pursuant to the said reference, the Arbitrator, through Procedural Order dated 09th August, 2024, issued notice to the



Petitioner.

5. Mr. Sumit Gehlot, counsel for the Petitioner, asserts that the alleged invoices which form the basis of the present dispute pertain to the year 2017. However, the date of registration of Respondent No. 3 as an MSME, as observed from their MSME Registration/ Udyog Aadhar Memorandum, is 15th May, 2020. In light of the same, he contends that the Petitioner's claims, which are the subject matter of arbitration before the DIAC, pertain to the period prior to the said date of registration. He argues that the effect of Respondent No. 3's registration can only be prospective and not retrospective, and therefore, the arbitration claims emanating from the reference cannot be adjudicated by DIAC under the MSME Act.

6. The Court has considered the submissions of the Petitioner. The issue in the present petition is squarely covered by the judgement of this Court in *M/s HFCL Ltd. v. Micro and Small Enterprises Facilitation Council & Ors.*¹ In light of the aforesaid judgement, the arbitration proceedings in Case No. DIAC/4426/07-22 titled "*M/s Concot Yarn v. M/s Richa Global Exports*" are stayed until the next date of hearing.

7. Issue notice. Ms. Rachita Garg, counsel for Respondent No. 2, accepts notice. Counter affidavit be filed within a period of four weeks from today. Rejoinder, if any, be filed within a period of four weeks thereafter.

8. Issue notice to the remaining Respondents by all permissible modes, upon filing of process fee, returnable on the next date of hearing.

9. Re-notify on 28th January, 2025.

SANJEEV NARULA, J

OCTOBER 15, 2024/ab

¹ W.P.(C) 7440/2023, decided on 6th August, 2024.