



2026:DHC:



2026:DHC:4179

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

+ **W.P.(C) 14435/2024 and CM APPL 60478/2024**

Date of Decision: **28.04.2026**

IN THE MATTER OF:

RICHA GLOBAL EXPORTS PVT. LTD.

.....Petitioner

Through: Mr. T.S. Thakraon, Advocate.

versus

DELHI INTERNATIONAL ARBITRATION CENTRE & ORS.

.....Respondent

Through: Ms. Rupam Jha, Advocate for R-1.
Ms. Rachita Garg, Advocate for
GNCTD.
Mr. U. C. Gupta, Mr. Prashant Gupta,
Mrs. Simran Chopra and Mr. Anup
Singh Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

JUDGEMENT

PURUSHAINDR KUMAR KAURAV, J. (ORAL)

1. The present petition has been filed assailing the order dated 30.05.2022 ("**Impugned Order**") passed by the Micro & Small Enterprise Facilitation Council ("**Council**"), whereby the petitioner's dispute against respondent no. 3, had been referred for adjudication to the Delhi International Arbitration Centre ('**DIAC**') under Section 18(3) of the Micro, Small & Medium Enterprises Development Act, 2006 ("**MSMED, Act**").



2. The sole ground to challenge the Impugned Order is that the alleged invoices which form the basis of the present dispute pertain to the year 2017, which is prior to the date on which respondent no. 3 registered itself as an MSME.

3. The issue raised in this petition is no longer *res integra*. The Supreme Court in the case of **NBCC (India) Ltd. v. The State of West Bengal & Ors.**¹ in paragraph no.5 has framed the following question:-

“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.”

4. The aforesaid question has been answered in paragraph no.15 thereof, which 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.”

5. It is clear that the fact of an MSME being unregistered, at the time the contract was entered into, or when the alleged invoices were issued, is immaterial to the jurisdiction and powers exercisable by the Council under Section 18 of the MSMED Act. Same was the view taken by this Court in **Sadbhav Engineering Ltd. v. KGTS Engineering India Pvt. Ltd.,**² **NTPC**

¹ 2025 INSC 54.

² W.P.(C)13095/2023; order dated 13.01.2026.



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Ltd. v. Micro and Small Enterprises Facilitation Council and Ors.,³ *Bharatiya Rail Bijlee Company Ltd. v. Micro and Small Enterprises Facilitation Council and Ors.*,⁴ *Environment Planning and Coordination Organization Virology v. M/s Suresh Goel and Associates and Ors.*,⁵ *Lalit Narayan Mithila University v. Delhi International Arbitration Centre and Ors.*,⁶ *Sugam Technocrats Pvt. Ltd. v. Micro and Small Enterprises Facilitation Council and Ors.*,⁷ *Municipal Corporation of Delhi v. M/s Vijay Bansal*,⁸ *Sadbhav Infrastructure Project Ltd. v. VCS Enterprises Pvt. Ltd. and Ors.*,⁹ *MNV Industries Ltd. v. Chairman Micro and Small Enterprises Facilitation Council and Anr.*,¹⁰ and *Municipal Corporation of Delhi v. M/s Vijay Bansal*.¹¹ Importantly, the order of this Court in *M/s Vijay Bansal* (supra) was affirmed by the Division Bench in *Municipal Corporation of Delhi v. M/s Vijay Bansal*.¹²

6. In light of the above, this Court finds no justification to interfere with the Impugned Order, the petition is accordingly dismissed.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

APRIL 28, 2026

Aks/ksr

³ W.P.(C) 5195/2021; order dated 22.01.2026.

⁴ W.P.(C) 8669/2021; order dated 22.01.2026.

⁵ W.P.(C) 12469/2024; order dated 11.02.2026

⁶ W.P.(C) 2249/2026; order dated 17.02.2026

⁷ W.P.(C) 2603/2026 ; order dated 25.02.2026

⁸ W.P.(C) 12308/2023; order dated 25.02.2026

⁹ W.P.(C) 13030/2023; order dated 18.03.2026

¹⁰ W.P.(C) 10895/2024; order dated 21.04.2026

¹¹ W.P.(C) 12308/2023; order dated 25.02.2026.

¹² L.P.A 267/2026; order dated 15.04.2026.