

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 15351 of 2025**

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INDIAN OIL CORPPRATION LIMITED NEW DELHI

Versus

THE MICRO AND SMALL ENTERPRISES FACILITATION COUNCIL & ANR.

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Appearance:

M R BHATT & CO.(5953) for the Petitioner(s) No. 1

MR MUNJAAL M BHATT WITH MS KHUSHI MEHTA (8283) for the
Petitioner(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE**Date : 17/11/2025****ORAL ORDER**

Heard learned advocate for the petitioner. It is submitted that in the present case, the dispute has been raised by the respondent No.2 after the contract was over and the payments were made. He submits that the same was also brought to the notice of respondent No.1 vide communication dated 05.11.2022. However, by the impugned order, the respondent No.1 without taking into consideration the said communication, has referred the case to Arbitrator under the Micro, Small and Medium Enterprise Development Act, 2006 [*MSMED Act* for short]. He submits that in the present case, no claim certificate has been issued by the respondent No.2 on 14.12.2018. Further, the contract in question is a works contract and not amenable to Arbitration under the MSMED Act. Learned counsel has placed reliance on the judgment of this Court in Special Civil Application No.14297 of 2017 dated 15.11.2017 and the order dated 12.12.2023 in Special Civil Application No.20744 of 2023.

Issue Notice returnable on 19.12.2025.

In the meantime, there shall be ad-interim stay in terms of prayer clause 21(d) till the next date of hearing.

Direct Service is permitted.

KAUSHIK D. CHAUHAN

(ANIRUDDHA P. MAYEE, J.)