

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (ST) NO. 265 OF 2023
WITH
INTERIM APPLICATION (ST) NO. 6288 OF 2023
IN
WRIT PETITION (ST) NO. 265 OF 2023**

KSB Limited	...Petitioner
<i>Versus</i>	
Amit Trans Solutions (Nashik)	...Respondent

**WITH
WRIT PETITION (ST) NO. 249 OF 2023
WITH
INTERIM APPLICATION (ST) NO. 6282 OF 2023
IN
WRIT PETITION (ST) NO. 249 OF 2023**

KSB Limited	...Petitioner
<i>Versus</i>	
Amit Trans Solutions (Nashik)	...Respondent

**WITH
WRIT PETITION (ST) NO. 264 OF 2023
WITH
INTERIM APPLICATION (ST) NO. 6285 OF 2023**

IN

WRIT PETITION (ST) NO. 264 OF 2023

KSB Limited	...Petitioner
<i>Versus</i>	
Amit Trans Solutions (Nashik)	...Respondent

WITH

WRIT PETITION (ST) NO. 3548 OF 2023

Stelmec Limited	...Petitioner
<i>Versus</i>	
Tritech Disconnectors (India) Private Limited	...Respondent

Mr Narayan Sahu, *with Anuj Athalye & Sanat Ragde, i/b Legasis Partners, for the Petitioner in WPL/249/2023, 264/2023 & 265/2023.*

Mr Raj Patel, *with Sourasubha Ghosh & Sanaya Patel, i/b IndusLaw, for the Petitioner in WPL/3548/2023.*

Mr Alankar Kirpekar, *with Ayush Tiwari & Sagar Kasar, i/b Sagar Kasar, for the Respondents in WPL/265/2023.*

**CORAM G.S. Patel &
 Neela Gokhale, JJ.**
DATED: 14th March 2023

PC:-

- 1. Rule.**
- 2. The Respondents waive service.**

3. All these Petitions raise a common question of law. Exercising powers under Section 29-A(6) of the Arbitration & Conciliation Act, 1996, the District Judge, Nashik has altogether displaced the Micro Small Medium Enterprises Council under the Micro, Small Medium Enterprise Development Act 2006 (“**MSME Act**”). That is a statutory dispute resolution council exercising powers inter alia under Section 18 of the MSME Act. That section opens with a non-obstante clause. There is also Section 24 that says the MSME Act has overriding effect.

4. We are told that the question was decided by learned Single Judge of this Court in *Magnum Opus IT Consulting Pvt Ltd v Artcad Systems*.¹ A Special Leave Petition to the Supreme Court was dismissed, but the question of law was expressly kept open as can be seen from page no 115 of the compilation tendered by Mr Kirpekar. That is an order dated 21st October 2022. As opposed to this, according to the Petitioners, there is the decision of the *Gujrat State Civil Supplies Corporation Ltd v Mahakali Foods Pvt Ltd*,² (also part of the compilation tendered by Mr Kirpekar).

5. Having regard to these circumstances and since Mr Kirpekar proposes to cite at least 16 authorities (going by the compilation), there is clearly a question of law that is to be addressed.

6. Affidavits in Reply have already been filed.

1 2022 SCC OnLine Bom 2861.

2 2022 SCC OnLine SC 1492.

7. List these Petitions as a group peremptory for final disposal on 20th April 2023 at 2.30 pm.

8. In the meantime, the arbitration proceedings for the substituted tribunal are stayed.

(Neela Gokhale, J)

(G. S. Patel, J)