

**HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD**

WEDNESDAY, THE THIRTEENTH DAY OF NOVEMBER  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

**WRIT APPEAL NO: 1287 OF 2024**

Writ Appeal under clause 15 of the Letters Patent preferred against the Order dated 27-07-2024 in W P No 19883/2024 on the file of the High Court.

**Between:**

M/s Neelam Enterprises, BV5, BDL Bhanur Ancillary Campus, Patancheru, Medak, Hyderabad-502 305, Telangana, India Rep. by N.C. Ghanshyam

**...APPELLANT**

**AND**

1. Micro, Small Enterprises Facilitation Council, MedchalMalkajgiri at S-32, Integrated District Offices Complex (IDOC) Arthaipally village Shamirpet Mandal, MedchalMalkajgiri District.
2. Sohom Fenster Tech. Private Limited, 12-5-110, Near Metro Pillar No. A909, Moosapet, MedchalMalkajgiri District, Rep. by its Managing Director, Amrit Shamji Patel.
3. Union of India, rep. by its Secretary Ministry of Micro Small Medium Enterprises Udyog Bhavan, Delhi - 501 150.

**...RESPONDENTS**

**IA NO: 1 OF 2024**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings pursuant to the Award passed by the 1st respondent in Case NO. 072/IFC/MDL-MLG/2022 dt. 30-4-2024, pending disposal of the above writ appeal in the interest of justice.

**Counsel for the Appellant: SRI ASHWIN KUMAR.TMP**

**Counsel for the Respondent No.1: SRI K.MOHAN**

**Counsel for the Respondent No.3: SRI GADI PRAVEEN KUMAR, Dy.**

**SOLICITOR GENERAL OF INDIA**

**Counsel for the Respondent No.2: --**

**The Court made the following: JUDGMENT**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE**

**AND**

**THE HON'BLE SRI JUSTICE J.SREENIVAS RAO**

**WRIT APPEAL No.1287 of 2024**

**JUDGMENT:** *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Ashwin Kumar, learned counsel for the appellant.

Mr. K.Mohan, learned counsel for the respondent  
No.1.

2. This intra court appeal is filed against the order dated 25.07.2024 passed by the learned Single Judge by which the writ petition preferred by the appellant, namely W.P.No.19883 of 2024, has been dismissed with the liberty to the appellant to take recourse to the remedy provided under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as, "the Act").

3. Facts giving rise to filing of this appeal briefly stated are that in a dispute between the appellant and the respondent No.2, proceedings were initiated before the

Micro Small Enterprises Facilitation Council and an award was passed on 30.04.2024.

4. The appellant, instead of challenging the award in a proceeding under Section 34 of the Act, has filed a writ petition. The learned Single Judge has relegated the appellant to avail of the alternative remedy. Accordingly, the writ petition has been dismissed with the aforesaid liberty. Hence, this appeal.

5. Learned counsel for the appellant submits that the learned Single Judge ought to have appreciated that the award is *void ab initio* and therefore the same can be challenged in a proceeding under Article 226 of the Constitution of India.

6. After arguing the matter to some extent and in view of the law laid down by the Supreme Court in **State of Maharashtra v. Ramdas Shrinivas Nayak**<sup>1</sup>, learned counsel for the appellant seeks leave of this Court to

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<sup>1</sup> AIR 1982 SC 1249

withdraw the appeal with the liberty to seek review of the order dated 25.07.2024.

7. Accordingly, the appeal is disposed of as withdrawn in terms of the liberty as prayed for.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

**SD/- M. MANJULA  
DEPUTY REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

To

1. Micro, Small Enterprises Facilitation Council, MedchalMalkajgiri at S-32, Integrated District Offices Complex (IDOC) Anthaipally village Shamirpet Mandal, MedchalMalkajgiri District.
2. The Managing Director, Sohom Fenster Tech. Private Limited, 12-5-110, Near Metro Pillar No. A909, Moosapet, MedchalMalkajgiri District, Amrit Shamji Patel.
3. The Secretary Ministry of Micro Small Medium Enterprises Udyog Bhavan, Union of India, Delhi - 501 150.
4. One CC to SRI ASHWIN KUMAR.TMP, Advocate [OPUC]
5. One CC to SRI K.MOHAN, Advocate [OPUC]
6. One CC to SRI GADI PRAVEEN KUMAR, Dy. SOLICITOR GENERAL OF INDIA [OPUC]
7. Two CD Copies

PSK.



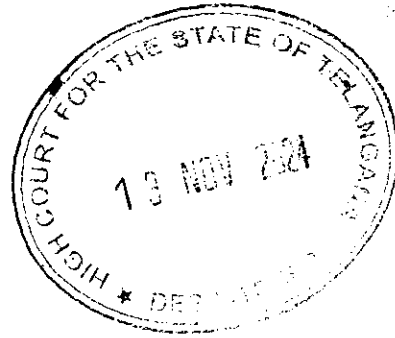
CC TODAY

HIGH COURT

DATED:13/11/2024

JUDGMENT

WA.No.1287 of 2024



DISPOSING OF THE WRIT PETITION AS  
WITHDRAWN WITHOUT COSTS.

⑨  
13/11/24  
DS