



2026 INSC 804

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No. _____ of 2026
(@Special Leave Petition (C) No. 3250 of 2026)

M/s. Patel Infrastructure Limited

... Appellant

versus

M/s. Aditya Construction

... Respondent

ORDER

SANJAY KUMAR, J

1. Leave granted.
2. An interesting question of law was sought to be raised by way of this appeal, that is, whether a buyer of goods or services from a micro or small enterprise (MSME), governed by the Micro, Small and Medium Enterprises Development Act, 2006, can seek to initiate arbitration proceedings in respect of its claim against such MSME by independently taking recourse to the Arbitration and Conciliation Act, 1996.

3. Effective arguments were advanced by Ms. Taniya Bansal, learned Counsel for the appellant, and she placed reliance on case law in support of her weighty contentions. The decisions of the Delhi High Court in

Uniseven Engineering and Infrastructure Pvt. Ltd. vs. Micro and

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Deepak Gupta
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Reason:

Small Enterprises Facilitation (MSEF) Council, District (South), and another¹ and of the Calcutta High Court in ***Essar Oil and Gas Exploration and Production Limited vs. Gargi Travels Private Limited²*** were placed before us.

4. While so, on instructions, Mr. Sanjay Bhaseen, learned senior counsel, appearing for the respondent MSME, stated that the respondent MSME is agreeable to the appointment of an arbitrator through the aegis of the Delhi International Arbitration Centre to resolve the *inter se* disputes between the parties through the process of arbitration governed by the provisions of the Arbitration and Conciliation Act, 1996. He would, however, submit that as the appellant has its registered office at Ahmedabad, Gujarat, and the respondent MSME, being a proprietorship, has its office at Basti in Uttar Pradesh, the venue of the arbitration may be fixed as New Delhi for the convenience of both parties.

5. Accepting the fair offer made by the learned senior counsel so as to give a quietus to the matter without further ado, the appeal is disposed of requesting the Delhi International Arbitration Centre to appoint a suitable arbitrator to undertake the resolution of the disputes between the appellant, M/s Patel Infrastructure Limited, and the respondent, M/s Aditya Construction under the provisions of the Arbitration and Conciliation Act,

¹ W.P. (C) 11233/2021 and CM Appl. 34581, decided on July 5, 2023.

² A.P. No. 73 of 2023, decided on April 20, 2023.

1996. The venue of the arbitration shall be at New Delhi. The appellant shall approach the Delhi International Arbitration Centre within two weeks from the date of receipt of a certified copy of this order.

6. The question of law raised in this appeal is, however, left open to be considered in an appropriate case in future.

The appeal is disposed of in the aforestated terms.

Parties shall bear their own costs.

....., J.
SANJAY KUMAR

....., J.
SANJEEV SACHDEVA

August 5, 2026
New Delhi.