

ITEM NO.48

COURT NO.6

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No.35556/2025

[Arising out of impugned final judgment and order dated 10-11-2025 in COM.A No. 389/2024 passed by the High Court of Karnataka at Bengaluru]

M/S. RAFFLES RESIDENCY PRIVATE LIMITED

Petitioner(s)

VERSUS

M/S. ENKON ENGINEERING & ANR.

Respondent(s)

Date : 04-08-2026 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :

Dr. S. Muralidhar, Sr. Adv.
Mr. Joshua Samuel, Adv.
Mr. Sahil Tagotra, AOR
Ms. Shreya Kasera, Adv.
Ms. Ninni Susan Thomas, Adv.
Ms. Megha, Adv.

For Respondent(s) :

Mr. Rajesh Kumar Gautam, Adv.
Mr. Anant Gautam, AOR
Mr. Vibhu Sharma, Adv.
Ms. Likivi K Jakhalu, Adv.
Mr. Aman Gahlot, Adv.
Ms. Isha Gaur, Adv.
Mr. Rishi Chauhan, Adv.
Ms. Azal Aekram, Adv.

Mr. Sanchit Garga, AOR
Mr. Kunal Rana, Adv.
Mr. Shashwat Jaiswal, Adv.
Ms. Diksha Arora, Adv.
Mr. Bhanu Pratap Singh, Adv.
Mr. Shubham Gupta, Adv.
Ms. Oorja Goel, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Dr. S. Muralidhar, the learned Senior counsel appearing for the petitioner submitted that the Respondent No.1 was not a

registered enterprise under Section 2(n) of the Micro, Small and Medium Enterprises Development (MSMED) Act, 2006 when the contract between the petitioner and the Respondent No.1 came to be entered into.

2. According to the learned Senior counsel, the Respondent No.1 got itself registered only on 3-8-2020. The application under Section 18 of the MSMED Act for recovery of certain amounts was filed on 6-8-2020.

3. In such circumstances, referred to above, according to the learned Senior counsel, the Facilitation Council under the MSMED Act had no jurisdiction to entertain the application filed under Section 18 of the Act by the Respondent and, therefore, the impugned award could be said to be nullity.

4. According to the learned Senior counsel, the aforesaid issue is at large before the larger bench of this Court in the matter titled "NBCC v. State of West Bengal and Others" reported in (2025) 3 SCC 440 (Civil Appeal No.3705/2024).

5. In view of the aforesaid, let this matter be tagged with the matter which is to be heard by a larger Bench.

6. Interim order to continue.

(VISHAL ANAND)
DEPUTY REGISTRAR

(POOJA SHARMA)
COURT MASTER (NSH)