

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.64 OF 2025

V. Thyagaraja Reddy ...Applicant

vs.

Suzlon Energy Limited ...Respondent

Mr. Dileep Satale a/w. Ms. Shagufa Patel, for the Applicant.

CORAM : N. J. JAMADAR, J.

DATE : FEBRUARY 11, 2025

P.C:

1. Heard the learned counsel for the parties.
2. The challenge in this application is to an order dated 7th August, 2024 passed by the Commercial Courts at Pune.
3. The applicant/defendant sought rejection of the plaint on various grounds including the ground that mandatory requirement of pre-institution mediation under section 12A of the Commercial Courts Act, 2015 was not followed.
4. In the impugned order, the learned District Judge has observed that, on the one hand, the defendant raised objection that the dispute in question was not a commercial dispute under the Commercial Courts Act, 2015 and, on the other hand, the defendant contended that there was non-compliance of the mandate of section 12A of the Commercial Courts Act, 2015. The learned District Judge further noted that the plaintiff had approached the District Legal

Services Authority for pre-institution mediation. The said authority had numbered the pre-institution mediation request as Pre Institution Mediation No. 2 of 2018. Notices were issued. The defendant did not participate in the mediation proceeding.

5. The Court finds that averments have been made in paragraph 43 of the plaint regarding the said invocation of pre-institution mediation.

6. The entire endeavour of the defendant appeared to be to derail the proceedings in the suit. On the one hand, an objection was raised that the dispute does not fall within the definition of commercial dispute under Section 2(c) of the Commercial Courts Act, 2015. At the same time, an objection was raised that there was no pre-institution mediation. The material on record indicates that the plaintiff had, indeed, approached District Legal Services Authority. Pre-institution mediation proceeding was registered. Notices were issued to the defendant.

7. An endeavour was made on behalf of the applicant to wriggle out of the situation by urging that the notices were not issued on the correct address. It does not deserve consideration.

8. The instant application is as misconceived as the prayer for rejection of the plaint under Order VII Rule 11 of the Code of Civil Procedure, 1908.

9. The application thus stands dismissed with costs of Rs. 5,000/- (Five Thousand).

(N. J. JAMADAR, J.)