

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO.3689 OF 2025

M/s. ARW Infra Projects Pvt. Ltd. ...Petitioner
Versus
The State of Maharashtra and Anr. ...Respondents

Mr. Akshay A. Deshmukh a/w Mr. Sanket Kadam for the Petitioner.

Ms. Rupali Shinde, A.G.P. for the Respondent-State.

***CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.***

DATE : 27th NOVEMBER 2025

P.C. :

1. At the outset, learned counsel for the petitioner seeks leave to amend prayer clause 'b' to give better particulars of the Suit pending before the concerned Court and the Court before whom the said Suit is pending. Leave granted. Amendment to be carried out forthwith.

2. By this petition, the petitioner has sought the following reliefs:-

“b) *That this Hon'ble Court may be pleased to grant a writ of mandamus or a writ, order or direction in the nature of*

mandamus, thereby directing Respondent No.2 to expeditiously decide the pending applications in the Suit no.8/2023 and conduct the trial for the commercial dispute bearing Suit no.8/2023 pending before district judge 1 and addl. Sessions judge, Belapur to be decided in a time bound manner .

- c) *That this Hon'ble Court may be pleased to grant a writ of mandamus or a writ, order or direction in the nature of mandamus, thereby directing Respondent No.2 to conduct an investigation into the missing documents in the Court file and to take action on those responsible for the same.*
- d) *That this Hon'ble Court may be pleased to grant a writ of mandamus or a writ, order or direction in the nature of mandamus, thereby directing Respondent No.2 to take steps to maintain an updated roznama to correctly reflect the case status information on the Court's website.*
- e) *That till pending hearing and final disposal of this petition, this Hon'ble Court may be pleased to direct Respondent No.2 to decide the application at Exhibit No. 32 for filing a Rejoinder to the written statement of the defendant filed on 28/03/2023 in a time bound manner. ”*

3. It appears that the Commercial Suit was filed by the petitioner before the Commercial Division, Thane, and that the said case was transferred in 2023 to the Belapur Court and the same is presently pending there. We are informed that the papers of the Suit are not traceable and hence, the petitioner has filed the aforesaid petition.

4. Under the Commercial Courts Act, Suits are to be decided expeditiously within a particular time frame. Thus, it was incumbent for the learned Judge either to decide Exhibit-32 seeking permission to file a rejoinder to the written statement or to take appropriate steps, if the papers pertaining to the petitioner's Suit were missing and not traceable.

5. Considering what is stated in the petition, the petition is allowed and disposed of accordingly. Accordingly, we direct the learned Judge before whom the Commercial Suit No.8 of 2023 is pending, to decide the said Suit, as expeditiously as possible, and in any event within six months from the date of receipt of this order. We direct the learned Judge to conduct an enquiry in the event the papers of the aforesaid Suit are missing and not traceable. We also request the concerned Court to decide the application, Exhibit – 32 seeking permission to file a rejoinder to the written statement, in the event the papers of the Suit are not traceable. The said application to be

decided expeditiously.

6. Needless to state that the concerned Court to also maintain a roznama which would reflect the case status information on the Court website.

7. Petition is accordingly disposed of on the aforesaid terms.
All concerned to act on the authenticated copy of this order.

SANDESH D. PATIL, J.

REVATI MOHITE DERE, J.