

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

WRIT PETITION NO. 1866 OF 2026

Maharashtra State Road Transport
Corporation

..Petitioner

Versus

MG Automotive (Bus & Coach)
Pvt. Ltd. & Ors

...Respondents

Mr. Prathamesh Mandlik i/by Mr. Nitesh Bhutekar, for the
Petitioner.

Mr. Vyom Shah a/w Mr. Anand Iyer i/by Divya Shah
Associates, for the Respondent Nos. 1 and 2.

CORAM: N. J. JAMADAR, J.

DATE : 10th FEBRUARY 2026

P.C.:

1. Heard the learned Counsel for the petitioner.
2. The challenge in this petition is to an order dated 12th August, 2025, passed by the learned Judge, City Civil Court, whereby a counter-claim preferred by the defendant stood rejected under the provisions of Order VII Rule 11 of the Code of Civil Procedure, 1908, for non-compliance of the pre-institution mediation as mandated by the provisions contained in Section 12A of the Commercial Courts Act, 2015, in view of the judgment of the Supreme Court in the case *M/s. Patil Automation Pvt. Ltd. & Ors. Vs. Rakheja Engineers Pvt. Ltd*¹.

1 (2022) 10 SCC 1

3. Since the rejection of the counter-claim, which is essentially a plaint, amounts to a decree within the meaning of Section 2(2) of the Code, 1908, the proper remedy for the petitioner is to file an appeal against the said order.

4. Keeping open the liberty to file an appeal against the impugned order, the petition stands disposed.

5. The time spent by the petitioner in prosecuting this petition may be accounted for under Section 14 of the Limitation Act, in the event the question of limitation arises.

[N. J. JAMADAR, J.]