

Santosh

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

**INTERIM APPLICATION NO. 2205 OF 2026
IN
REVIEW PETITION NO. 47 OF 2026**

CCI Projects Private Limited

...Applicant/
Petitioner

SANTOSH
SUBHASH
KULKARNI

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SANTOSH SUBHASH
KULKARNI
Date: 2026.03.25
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Versus

Brighton Facility India Maintenance
Services Llp And Ors

...Respondents

Mr. Yash Momaya, a/w Mehul Rathod, Darshana Vora,
Dhanashree Pawaskar, i/b Mehul Rathod, for the
Petitioner.

Mr. Amrut Joshi, a/w Yazad Udawadia, Nikhil Mishra and
Shravan Purohit, i/b Nikhil Mishra, for the Respondents.

**CORAM: N. J. JAMADAR, J.
DATED: 24th MARCH, 2026**

PC:-

IA/2205/2026

1. Heard the learned Counsel for the applicant.
2. For the reasons assigned in the application and to advance the cause of substantive justice, the delay in preferring the review application stands condoned.
3. The application stands disposed.

RPW/47/2026

4. Heard the learned Counsel for the parties.

5. The petitioner seeks review of the order passed by this Court on 24th November, 2025, whereby the challenge to an order passed by the learned Judge, City Civil Court, on 22nd July, 2024, thereby rejecting the Notice of Motion taken out by the petitioner seeking rejection of the plaint for non-compliance of the mandatory provision of pre-institution mediation under Section 12A of the Commercial Courts Act, 2015, came to be dismissed.

6. A submission was sought to be canvassed on behalf of the petitioner that this Court in paragraph 6 of the order dated 24th November, 2025 has observed that, once the Court on the basis of the averments in the plaint and documents forms an opinion that the suit contemplated an urgent relief and grants permission to institute the suit without pre-institution mediation, the provision contained in Section 12A ceases to operate. However, the learned Judge, City Civil Court, while passing the order dated 9th February, 2023 had not considered the averments in the plaint. Attention of the Court was invited to the said order dated 9th February, 2023.

7. I find it difficult to accede to the aforesaid submission, if the said order is read in its entirety, the submission that the learned Judge, City Civil Court, had only perused the Notice of

Motion and this Court committed an error in observing that the learned Judge, City Civil Court, had perused the averments in the plaint, is not borne out. In the said order, the learned Judge, City Civil Court has clearly observed that, she had perused the record and on the perusal of the record, it appeared that the plaintiff has filed the suit for various reliefs. Thus, it cannot be inferred that the learned Judge had not perused the averments in the plaint, and only the Notice of Motion was considered.

8. Thus, this Court does not find any error apparent on the face of the record or any other sufficient cause to review the order passed by this Court dated 24th November, 2025.

9. The review petition thus stands dismissed.

[N. J. JAMADAR, J.]