



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.4449/2026

The State of Maharashtra, Through the Principal Secretary, Mantralaya,
Mumbai – 400032 and others

...Versus...

M/s D. Thakkar Constructions Pvt. Ltd., Mumbai through its Insolvency
Resolution Professions and Chairman of Monitoring Committee Ram Ratan
Kanoongo

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. PP. Pendke, AGP for petitioners

CORAM : ROHIT W. JOSHI, J.

DATE : 08/06/2026

1. The present petition takes exception to the order dated 26/03/2025, passed by the learned District Judge-2, Amravati (Commercial Court) on application at Exh.23 in Commercial Suit No.3/2022.

2. Application at Exh.23 was filed by the present petitioners (original defendants) in the commercial suit, seeking permission to file written statement on record by recalling “No W.S.” order dated 28/04/2023.

3. It is not in dispute that all the petitioners/defendants were served with the suit summons and the application for permission to file written statement was filed beyond a period of 120 days from the date of service of suit summons on the respective defendants. The provisions of the Code of Civil Procedure, as they are applicable to commercial suit, are amended by Section 16 of the

Commercial Courts Act, 2015.

4. In view of amendment to Order VIII of the Code of Civil Procedure by the said provision, the learned Commercial Court does not have jurisdiction to extend the period for filing written statement beyond a period of 120 days. The learned Assistant Government Pleader, however, argues that the delay was on account of administrative exigencies and since the State is a party to the suit, the learned Court ought to have granted permission for filing written statement. Provisions of the Commercial Courts Act do not distinguish between a state and non-state litigant. The contention is, therefore, liable to be rejected. The impugned order is perfectly in accordance with law and does not warrant any inference. Writ Petition is dismissed with no order as to costs.

(ROHIT W. JOSHI, J.)