

(2025) 12 SIK CK 0055

Sikkim HC

Case No: Writ Petition (C) No. 77 Of 2025

M/S Yuksom Breweries Limited

APPELLANT

Vs

M/S Thomas Enterprises And
Another

RESPONDENT

Date of Decision: Dec. 5, 2025

Acts Referred:

- Commercial Courts Act, 2015 - Section 12A

Hon'ble Judges: Meenakshi Madan Rai, J

Bench: Single Bench

Judgement

Meenakshi Madan Rai, J

Heard Learned Senior Counsel for the Petitioner, who is aggrieved by the Order dated 08-07-2025, of the Court of the Judge, Commercial Court, Namchi, at Sikkim, in Commercial Suit No.01 of 2021 (*M/s Yuksom Breweries Limited vs. M/s Thomas Enterprises and Another*), whereby it was *inter alia* observed that, the matter was registered without complying with the mandate of Section 12A of the Commercial Courts Act, 2015 (hereinafter, the "Commercial Courts Act"). The parties were directed to take appropriate steps in terms of Section 12A of the Commercial Courts Act.

It is the submission of Learned Senior Counsel for the Petitioner that the impugned direction of the Commercial Court is not applicable to the facts of the Petitioners case as the Suit was filed in 2016 much before the insertion of Section 12A of the Commercial Courts Act, by an amendment in 2018.

Considered.

Issue Notice to the Respondents.

Requisites be filed within three days.

List on 16-03-2026.