

HIGH COURT OF SIKKIM

Record of proceedings through video conferencing

R.F.A. No.04 of 2018

M/S THOMAS ENTERPRISES & ANR.

.... APPELLANTS

VERSUS

M/S YUKSOM BREWERIES LTD.

.... RESPONDENT

Date:22.10.2021

CORAM

HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, J.

For Appellants : Mr. Anmole Prasad, Senior Advocate with Mr.
Sagar Chettri, Advocate.

For Respondent : Mr. Jorgay Namka, Advocate.

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This matter has been dealt with by the Single Bench of this court as it was a Regular First Appeal that was preferred against the judgment and degree passed in a money suit. The matter was finally heard and judgment reserved on 29.09.2021. While examining the case this court came to the *prima facie* view that this matter was a commercial dispute which ought to have been tried as per the Commercial Courts Act, 2015. Accordingly, the matter was listed for clarification today.

Mr. Anmole Prasad, learned Senior Advocate for the appellants and Mr. Jorgay Namka, learned counsel for the respondent was heard. Mr. Sudesh Joshi, learned Additional Advocate General also gave his views. The learned counsel for the parties agreed that this matter arises out of a commercial dispute as defined under section 2(c) of the Commercial Courts Act, 2015. The Circular No.6/HCS/Judl. dated 27.04.2021 of this court provides that all matter involving commercial disputes of any value

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including high value disputes exceeding Rs.500 crores will be listed before a Division Bench comprising of Hon'ble the Chief Justice and Hon'ble Judge nominated by Hon'ble the Chief Justice in terms of the Section 5 (2) of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015.

In view of the same, this court deems it appropriate to direct the registry to place it before the Hon'ble Chief Justice for appropriate directions.

Judge