

**HIGH COURT OF SIKKIM**

Record of proceedings

**W.P. (C) No. 21 of 2022**

M/S YUKSOM BREWERIES LTD. .... PETITIONER

VERSUS

M/S THOMAS ENTERPRISES .... RESPONDENT

Date:16.12.2022

CORAM

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

For Petitioner : Mr. Jorgay Namka, Senior Advocate with  
Mr. Simeon Subba, Advocate.

For Respondent : Mr. S.S. Hamal, Senior Advocate with  
Mr. Anand Verma, Advocate  
Mr. Pradeep Sharma, Advocate and  
Mr. Anirudh Gupta, Advocate.

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Heard Mr. Jorgay Namka, learned Senior Counsel for the petitioner as well as Mr. S. S. Hamal, learned Senior Counsel for the respondent. This is a writ petition filed under Article 227 of the Constitution of India by the petitioner impugning the order passed by the learned Commercial Court at Namchi in Commercial Case (Money Suit) No. 2 of 2022 dated 29.03.2022 by which the learned Commercial Court has directed that the plaintiff i.e. the petitioner should exhaust the remedy of pre-institution meditation under the Commercial Courts Act, 2015.

Mr. S. S. Hamal, learned Senior Counsel for the respondent points out that the order which is impugned is an appealable order under section 13 of the Commercial Courts Act, 2015. On a perusal thereon and on examination of Notification No.16/HOME/2022 dated 21.02.2022 Mr. Jorgay Namka desires to withdraw the writ

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petition with liberty to approach the learned Commercial Appellate Court and exhaust the appeal remedy. Not objected by the learned Senior Counsel for the respondent. Prayer seems reasonable and is accordingly granted.

The writ petition stands disposed as withdrawn. The parties shall bear their own costs.

**Judge**

to/ **Index: yes/No**  
**Internet: yes/No**