



2026:DHC:3367-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 22.04.2026

+ **RFA(COMM) 270/2024**

SIMPLEX INFRASTRUCTURES LTDAPPELLANT

Through: Mr. Counsel (appearance not given)

versus

M/S ANI MARBLE AND GRANITE & ORS

.....RESPONDENTS

Through: Mr. B.S Rajesh, Mr. Agrajit Veer Singh, Ms. Dipti Singh, Mr. Siddharth Goswami, Advs.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T (O R A L)

AMIT MAHAJAN, J.

CM APPL. 39993/2024 [*for condonation of 75 days delay in re-filing the Appeal*]

CM APPL. 39990/2024 [*for condonation of 101 days delay in filing the Appeal*]

1. The present applications has been filed under Section 5 of the Limitation Act, 1963 read with section 151 of the Code of Civil procedure, 1908, seeking condonation of delay of 101 days in filing and delay of 75 days in re-filing the present appeal.

2. The Judgment and Decree was passed on 21.10.2023 in CS (COMM.) 1294 of 2019.



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3. It has been urged by the learned Counsel for the Appellant that while the subject suit was pending before the learned District Judge the erstwhile Counsel on behalf of the Appellant (Respondent in the subject suit) stopped appearing in the case after 30.11.2021 and did not communicate any developments. Though the Appellant tried to communicate with the erstwhile counsel for getting updates, however no information was provided to him.

4. It is further urged that it is only when the summons of Execution Proceedings were received by the Appellant (Judgment Debtor) on 10.01.2024 the Appellant got to know about the impugned judgment. Thereafter, time was consumed in preparation of objections, finalization of the draft appeal and procurement of documents from Kolkata, resulting in the appeal being filed on 28.03.2024.

5. An additional delay of 75 days in re-filing is sought to be explained on account of reduced functioning of the Registry during summer vacations, time taken in curing Registry objections and closure of counsel's office due to personal exigencies.

6. We have heard the learned counsel representing the parties at length.

7. The law relating to condonation of delay is well settled and the Courts have emphasized that condonation of delay is discretionary and cannot be granted in cases involving negligence or inaction. In the judgment of *Pathapati Subba Reddy (Died) By LRs. and Ors. v. Special Deputy Collector (LA)*, 2024 INSC 286, the Hon'ble Apex Court has held that: -



“26. On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:

(i) Law of limitation is based upon public policy that there should be an end to litigation by forfeiting the right to remedy rather than the right itself;

(ii) A right or the remedy that has not been exercised or availed of for a long time must come to an end or cease to exist after a fixed period of time;

(iii) The provisions of the Limitation Act have to be construed differently, such as Section 3 has to be construed in a strict sense whereas Section 5 has to be construed liberally;

(iv) In order to advance substantial justice, though liberal approach, justice-oriented approach or cause of substantial justice may be kept in mind but the same cannot be used to defeat the substantial law of limitation contained in Section 3 of the Limitation Act;

(v) Courts are empowered to exercise discretion to condone the delay if sufficient cause had been explained, but that exercise of power is discretionary in nature and may not be exercised even if sufficient cause is established for various factors such as, where there is inordinate delay, negligence and want of due diligence;

(vi) Merely some persons obtained relief in similar matter, it does not mean that others are also entitled to the same benefit if the court is not satisfied with the cause shown for the delay in filing the appeal;

(vii) Merits of the case are not required to be considered in condoning the delay; and

(viii) Delay condonation application has to be decided on the parameters laid down for condoning the delay and condoning the delay for the reason that the conditions have been imposed, tantamounts to disregarding the statutory provision.”



8. The Hon'ble Supreme Court, in *Government of Maharashtra (Water Resources Department) Represented By Executive Engineer v. Borse Brothers Engineers and Contractors Pvt. Ltd.:* (2021) 6 SCC 460, further opined that in commercial disputes, the expression “*sufficient cause*” is not elastic and inordinate/unexplainable delay ought not to be condoned. The relevant extract reproduced herein below: -

“58. Given the object sought to be achieved under both the Arbitration Act and the Commercial Courts Act, that is, the speedy resolution of disputes, the expression “sufficient cause” is not elastic enough to cover long delays beyond the period provided by the appeal provision itself. Besides, the expression “sufficient cause” is not itself a loose panacea for the ill pressing negligent and stale claims...

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63. Given the aforesaid and the object of speedy disposal sought to be achieved both under the Arbitration Act and the Commercial Courts Act, for appeals under section 37 of the Arbitration Act that are governed by Articles 116 and 117 of the Limitation Act or Section 13(1-A) of the Commercial Courts Act, a delay beyond 90 days, 30 days or 60 days, respectively, is to be condoned by way of exception and not by way of rule....”

9. Hence, the delay can only be condoned if the Applicant furnishes “*sufficient cause*” for delay, which must be a genuine, *bona fide*, reasonable and not gross negligence. The Applicant must explain every day of the delay from the date the limitation period expired until the date of actual filing.



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10. In the present case, it is clear from the Applications as well as the submission that the Appellant has failed to furnish any *sufficient cause*/cogent reasons which prevented him from filing the appeal within the period of limitation.

11. The Decree was passed on 21.10.2023 and the Statutory period of limitation for filling an Appeal challenging the money decree was 60 days, which has not been done. The plea that the erstwhile Counsel stopped appearing and could not be contacted is evidently vague and unsupported by any material. It is difficult to accept that a litigant, particularly a commercial entity engaged in multiple litigations, would remain unaware of the status of its own case for such a prolonged period without taking any concrete steps.

12. Even otherwise, as per the Appellant's own admission, knowledge of the impugned judgment was acquired on 10.01.2024 upon receipt of summons in execution proceedings i.e. on 10.01.2024. However, there is no satisfactory explanation for the delay thereafter. As per the Delhi High Court Portal, the case history and filing details reflect that the date of Last Filing is 15.07.2024 and Registration is 16.07.2024.

13. The reasons assigned, such as time taken in drafting, procurement of documents, and internal processes, are routine in nature and cannot constitute "*sufficient cause*" for condonation of delay, particularly in the absence of any cogent material demonstrating due diligence.

14. Similarly, the explanation for delay in re-filing is general and unsubstantiated. Administrative delays, Registry objections, or closure



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of office, without specific particulars, do not justify condonation of substantial delay.

15. Keeping in view the aforesaid discussions, the present applications for condonation of delay in filing and re-filing are dismissed.

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16. Consequently, the present appeal is also dismissed. Pending application also stands disposed of.

AMIT MAHAJAN, J.

ANIL KSHETARPAL, J.

APRIL 22, 2026

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