



2025:DHC:8938-DB



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

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Judgment reserved on: 25.09.2025

Judgment pronounced on: 09.10.2025

+ **FAO(COMM) 262/2023 & CM APPL. 67420/2023**

**THE GOVERNMENT OF NATIONAL CAPITAL
TERRITORY OF DELHI (GNCTD/IOI)Appellant**

Through: Mr. Dinesh Malik, Mr. Puneet
Jain, Advocates with Mr.
Narender Kumar, AE, I & FC
Department.

versus

M/S R.S. SHARMA CONTRACTORS PVT. LTD.

.....Respondent

Through: Mr. Sanjeev Anand, Senior
Advocate with Mr. Bipin
Kumar Prabhat and Mr. Bhola
Dayal, Advocates.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

J U D G M E N T

HARISH VAIDYANATHAN SHANKAR, J.

CM APPL. 67422/2023 in FAO(COMM) 262/2023

1. The present Appeal has been instituted under Section 37 of the
Arbitration and Conciliation Act, 1996¹, read with **Commercial**

¹ A&C Act



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Courts Act, 2015², assailing the **Judgement dated 11.08.2023³** passed by the learned **District Judge, Commercial Court-01 (South-West), Dwarka Courts, New Delhi⁴**, in OMP (Comm.) No. 28/2019. By the said judgment, the petition filed by the Appellant under Section 34 of the A&C Act, challenging the Arbitral Award dated 01.05.2019 passed by the Sole Arbitrator, was dismissed.

2. This appeal has been filed beyond the period prescribed by law. Consequently, notice in the main appeal has not yet been issued. *Vide* order dated 22.12.2023, this Court issued notice in *CM APPL. 67422/2023*, being an application under Section 5 of the **Limitation Act, 1963⁵**, read with Section 151 of the Civil Procedure Code, 1908, seeking condonation of the delay in filing the appeal.

3. On 25.09.2025, this Court heard the parties at length in *CM APPL. 67422/2023* and reserved judgment. The maintainability of the present appeal is therefore contingent upon the outcome of *CM APPL. 67422/2023*.

4. Pursuant thereto, by this judgement, we propose to adjudicate ***CM APPL. 67422/2023***.

5. The Appellant/Applicant's explanation and grounds for seeking condonation of delay, as set forth in the accompanying application, are extracted below:

“3. That it is submitted that the impugned judgement was passed on 11.08.2023, the certify copy was applied on 29.08.2023 and the same was delivered to the appellant on 13.09.2023, the copying agency took 16 days in preparing the certified copy of the impugned judgement.

² CC Act

³ Impugned Judgement

⁴ Commercial Court

⁵ Limitation Act



4. That after receiving the certify copy of the impugned judgement the matter was forwarded to the higher authorities for seeking the approval of filing the appeal before the Hon'ble High Court 20.09.2023. It is pertinent to mention herein that the file is very bulky, thus it took some time for referring to the senior authorities for final approval.
5. That thereafter it moved through various head and department for the seeking the opinion of filing appeal against the impugned judgement dated 11.08.2023.
6. The Impugned Order was studied by the Department at various levels and after a detailed discussion it was decided by the Department to prefer an appeal against the Impugned Order. That the entire exercise; firstly , making file noting in the department, getting certified copy of the necessary documents, seeking approval from the competent authority, drafting of appeal and again send for vetting, approval and signature from the competent authority took substantial time and hence therefore, the appeal could not be filed within 60 days from the date of passing of the order to the department and hence, an additional 69 days were taken to file the appeal before this Hon'ble Court.
7. That it is respectfully submitted that the Applicant herein is the State and it is in the common knowledge that the departmental procedures involved in the State Machinery makes it difficult to prepare an appeal within the stipulated period as sanctioned by limitation. That there are different branches of State offices involving senior officers and hence decision making consumes a lot of time besides the work pressure, which already exists in the State Departments.
8. That the Hon'ble Supreme Court in **Special Tehsildar, Land Acquisition, Kerala v. K.V Ayisumma, (1996) 10 SCC 634** held that State machinery involves different stages of authorities when it comes to taking decisions and hence, complete explanation of delay is very difficult.
9. That the Hon'ble Supreme Court of India in the case of **State of Nagaland Vs. Lipok AO and Ors ; AIR 2005 SC 2191** wherein in para 14 it was observed that in State machineries decisions taken by the officers/agencies are proverbially at a slow pace and encumbered process of pushing the files from table to table and keeping it on table for considerable time causing time delay intentionally or otherwise is a routine. That considerable delay of procedural red-tape in the process of their making decisions is a common feature and therefore certain amount of latitude is not impermissible. Concluding that if the appeals are brought by the State are lost for such default, no individual person is individually affected.
10. That in the present case, the file for the approval of filing the present appeal was forwarded to various concern persons after



20.09.2023, indicating dates: 25.09.2023; 29.09.2023; 03.10.2023; 04.10.2023; 06.10.2023; 12.10.2023; 16.10.2023; 17.10.2023; 20.10.2023; 26.10.2023; 27.10.2023; 28.10.2023; 29.10.2023; 06.11.2023; 28.11.2023; 29.11.2023; 30.11.2023; 01.12.2023.

11. That finally on 01.12.2023 after the approval the matter was forwarded to L&J Department for the appointment of the counsel, the counsel for appointed on after 01.12.2023, but the nominated counsel did not take the brief for personal reasons, thereafter the present counsel was nominated to file the present appeal vide BTF dated 12.12.2023.

12. That it is submitted that after receipt of the administrative approval the case tiles were handed over to the present counsel for preparing the appeal on 15.12.2023, subsequently, the draft of the appeal was placed before the competent authority for approval and necessary signature.

13. That in this process, the present appeal could not be filed within the period of limitation and there occurred the delay of 72 days and by deducting the 16 days for obtaining the certify copy are deducted then there is delay of 56 days in filing the same.

14. As such, the Appellant has a good case for relief under the present application. The Appellant has a good case on merits and has ever likelihood to succeed. The Appellant would suffer irreparable injury if the present application is not allowed.

15. The Appellant has prima facie case and balance of convenience lies in its favour and against the respondent.

16. The present application is made bonafide and in the interest of justice.

17. That the delay of 56 days in filing the instant Appeal is not intentional and has occurred inadvertently. The balance of convenience lies in favor of the Appellant and shall suffer irreparable loss if the delay is not condoned.”

6. In substance, the Appellant/Applicant submits that the delay was neither intentional nor deliberate but arose as an inevitable consequence of the State’s administrative machinery. It is urged that the delay is attributable to systemic and procedural complexities inherent in governmental functioning. The Appellant further contends that a pragmatic and liberal approach should be adopted in such cases, so that public interest is not defeated merely on account of procedural delay, particularly where no element of individual negligence is involved.



7. The legal position regarding limitation for appeals under Section 37 of the A&C Act is governed by the three-Judge Bench decision of the Hon'ble Supreme Court in ***Government of Maharashtra (Water Resources Department) v. Borse Brothers Engineers & Contractors Pvt. Ltd***⁶.

8. Of late, this Court in ***Dilshad Khan vs Govt of NCT of Delhi***⁷, placing reliance upon ***Borse Brothers*** (*supra*), has held that the limitation period for appeals of the present nature is strictly 60 days, and that condonation under Section 5 of the Limitation Act is an exception applicable only to short delays where the applicant demonstrates *bona fides* and absence of negligence. The relevant paragraphs of ***Dilshad Khan*** (*supra*) are as follows:

“4. On a conjoint reading of the provisions of the CC Act and the **Limitation Act, 1963**⁵, as interpreted by a three-Judge Bench of the Hon'ble Supreme Court in ***Government of Maharashtra (Water Resources Department) v. Borse Brothers Engineers & Contractors Pvt. Ltd.***⁶, and contrasted with the earlier two-Judge decision in ***N.V. International v. State of Assam***⁷, the settled legal position is that the prescribed limitation for filing an appeal under Section 37 of the A&C Act in respect of commercial disputes of “Specified Value” is sixty days, in terms of Section 13(1A) of the CC Act. In the present case, it is an undisputed fact that the “Specified Value” exceeded the prescribed threshold. Section 2(1)(i) of the CC Act defines “Specified Value” as follows:

“(i) “**Specified Value**”, in relation to a commercial dispute, shall mean the value of the subject matter in respect of a suit as determined in accordance with section 12 which shall not be less than three lakh rupees or such higher value, as may be notified by the Central Government.”

5. In ***N.V. International*** (*supra*), the Hon'ble Supreme Court had proceeded on the premise that, in the absence of a specific provision prescribing limitation for appeals under Section 37, the limitation applicable to Section 34(3) proceedings would also govern such appeals. On that reasoning, it was held that delay in filing an appeal under Section 37 could not be condoned beyond

⁶ (2021) 6 SCC 460

⁷ 2025 SCC OnLine Del 5636



thirty days. However, in **Borse Brothers Engineers** (supra), the Hon'ble Supreme Court undertook a detailed examination of the statutory framework under the A&C Act, the CC Act and the Limitation Act, and concluded that the reasoning in **N.V. International** (supra) was rendered *per incuriam* as it failed to consider the interplay of these enactments. The relevant paragraphs of **Borse Brothers Engineers** (supra) are produced herein below:

“23. Section 37 of the Arbitration Act, when read with Section 43 thereof, makes it clear that the provisions of the Limitation Act will apply to appeals that are filed under Section 37. This takes us to Articles 116 and 117 of the Limitation Act, which provide for a limitation period of 90 days and 30 days, depending upon whether the appeal is from any other court to a High Court or an intra-High Court appeal. There can be no doubt whatsoever that Section 5 of the Limitation Act will apply to the aforesaid appeals, both by virtue of Section 43 of the Arbitration Act and by virtue of Section 29(2) of the Limitation Act.

25. When the Commercial Courts Act is applied to the aforesaid appeals, given the definition of “specified value” and the provisions contained in Sections 10 and 13 thereof, it is clear that it is only when the specified value is for a sum less than three lakh rupees that the appellate provision contained in Section 37 of the Arbitration Act will be governed, for the purposes of limitation, by Articles 116 and 117 of the Limitation Act. Shri Deshmukh's argument that depending upon which court decides a matter, a limitation period of either 30 or 90 days is provided, which leads to arbitrary results, and that, therefore, the uniform period provided by Article 137 of the Limitation Act should govern appeals as well, is rejected.....

27. Even in the rare situation in which an appeal under Section 37 of the Arbitration Act would be of a specified value less than three lakh rupees, resulting in Article 116 or 117 of the Limitation Act applying, the main object of the Arbitration Act requiring speedy resolution of disputes would be the most important principle to be applied when applications under Section 5 of the Limitation Act are filed to condone delay beyond 90 days and/or 30 days depending upon whether Article 116(a) or 116(b) or 117 applies. As a matter of fact, given the timelines contained in Sections 8, 9(2), 11(4), 11(13), 13(2)-(5), 29-A, 29-B, 33(3)-(5) and 34(3) of the Arbitration Act, and the observations made in some of this Court's judgments, the



object of speedy resolution of disputes would govern appeals covered by Articles 116 and 117 of the Limitation Act.

32. Thus, from the scheme of the Arbitration Act as well as the aforesaid judgments, condonation of delay under Section 5 of the Limitation Act has to be seen in the context of the object of speedy resolution of disputes.

33. The bulk of appeals, however, to the appellate court under Section 37 of the Arbitration Act, are governed by Section 13 of the Commercial Courts Act. Sub-section (1-A) of Section 13 of the Commercial Courts Act provides the forum for appeals as well as the limitation period to be followed, Section 13 of the Commercial Courts Act being a special law as compared with the Limitation Act which is a general law, which follows from a reading of Section 29(2) of the Limitation Act. Section 13(1-A) of the Commercial Courts Act lays down a period of limitation of 60 days uniformly for all appeals that are preferred under Section 37 of the Arbitration Act. [As held in BGS SGS SOMA JV v. NHPC Ltd., (2020) 4 SCC 234, whereas Section 37 of the Arbitration Act provides the substantive right to appeal, Section 13 of the Commercial Courts Act provides the forum and procedure governing the appeal (see para 13).]

34. The vexed question which faces us is whether, first and foremost, the application of Section 5 of the Limitation Act is excluded by the scheme of the Commercial Courts Act, as has been argued by Dr. George. The first important thing to note is that Section 13(1-A) of the Commercial Courts Act does not contain any provision akin to Section 34(3) of the Arbitration Act. Section 13(1-A) of the Commercial Courts Act only provides for a limitation period of 60 days from the date of the judgment or order appealed against, without further going into whether delay beyond this period can or cannot be condoned.

35. It may also be pointed out that though the object of expeditious disposal of appeals is laid down in Section 14 of the Commercial Courts Act, the language of Section 14 makes it clear that the period of six months spoken of is directory and not mandatory. By way of contrast, Section 16 of the Commercial Courts Act read with the Schedule thereof and the amendment made to Order 8 Rule 1 CPC, would make it clear that the defendant in a suit is given 30 days to file a written statement, which period cannot be extended beyond 120 days from the date of service of the summons; and on expiry of the said period, the defendant



forfeits the right to file the written statement and the court cannot allow the written statement to be taken on record. This provision was enacted as a result of the judgment of this Court in Salem Advocate Bar Assn. (2) v. Union of India, (2005) 6 SCC 344.

39. Unlike the scheme of the Central Excise Act relied upon in CCE v. Hongo (India) (P) Ltd., (2009) 5 SCC 791, there are no other provisions in the Commercial Courts Act which provide for a period of limitation coupled with a condonation of delay provision which is either open-ended or capped. Also, the period of 180 days provided was one indicia which led the Court to exclude the application of Section 5 of the Limitation Act, as it was double and triple the period provided for appeals under the other provisions of the same Act. Section 13(1-A) of the Commercial Courts Act, by way of contrast, applies an intermediate period of 60 days for filing an appeal, that is, a period that is halfway between 30 days and 90 days provided by Articles 116 and 117 of the Limitation Act.

43. The next important argument that needs to be addressed is as to whether the hard-and-fast rule applied by this Court in N.V. International v. State of Assam, (2020) 2 SCC 109 is correct in law. Firstly, as has correctly been argued by Shri Shroti, N.V. International v. State of Assam, (2020) 2 SCC 109, does not notice the provisions of the Commercial Courts Act at all and can be said to be per incuriam on this count. Secondly, it is also correct to note that the period of 90 days plus 30 days and not thereafter mentioned in Section 34(3) of the Arbitration Act cannot now apply, the limitation period for filing of appeals under the Commercial Courts Act being 60 days and not 90 days. Thirdly, the argument that absent a provision curtailing the condonation of delay beyond the period provided in Section 13 of the Commercial Courts Act would also make it clear that any such bodily lifting of the last part of Section 34(3) into Section 37 of the Arbitration Act would also be unwarranted. We cannot accept Shri Navare's argument that this is a mere casus omissus which can be filled in by the Court.

52. For all these reasons, given the illuminating arguments made in these appeals, we are of the view that N.V. International v. State of Assam, (2020) 2 SCC 109 has been wrongly decided and is therefore overruled.



53. However, the matter does not end here. The question still arises as to the application of Section 5 of the Limitation Act to appeals which are governed by a uniform 60-day period of limitation. At one extreme, we have the judgment in N.V. International v. State of Assam, (2020) 2 SCC 109 which does not allow condonation of delay beyond 30 days, and at the other extreme, we have an open-ended provision in which any amount of delay can be condoned, provided sufficient cause is shown. It is between these two extremes that we have to steer a middle course.

55. Reading the Arbitration Act and the Commercial Courts Act as a whole, it is clear that when Section 37 of the Arbitration Act is read with either Article 116 or 117 of the Limitation Act or Section 13(1-A) of the Commercial Courts Act, the object and context provided by the aforesaid statutes, read as a whole, is the speedy disposal of appeals filed under Section 37 of the Arbitration Act. To read Section 5 of the Limitation Act consistently with the aforesaid object, it is necessary to discover as to what the expression “sufficient cause” means in the context of condoning delay in filing appeals under Section 37 of the Arbitration Act.

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 filed 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. In a fit case in which a party has otherwise acted bona fide and not in a negligent manner, a short delay beyond such period can, in the discretion of the court, be condoned, always bearing in mind that the other side of the picture is that the opposite party may have acquired both in equity and justice, what may now be lost by the first party's inaction, negligence or laches.”

(emphasis supplied)

6. The Hon'ble Supreme Court in Borse Brothers Engineers (supra) categorically held that the limitation period prescribed under Section 34(3) of the A&C Act does not apply to appeals under Section 37. The Court explained that the “hard stop” applicable to



Section 34 proceedings cannot be mechanically extended to Section 37 appeals. Instead, such appeals are governed either by Articles 116 and 117 of the Limitation Act or by Section 13(1A) of the CC Act, depending on whether the dispute qualifies as a commercial dispute of “Specified Value”. Accordingly, from **Borse Brothers Engineers** (supra), the following legal position emerges:

- (i). For commercial disputes of “Specified Value” under the CC Act, the limitation period for filing an appeal under Section 37 is sixty days, as provided in Section 13(1A) of the CC Act; and
- (ii). In all other cases, for filing an appeal under Section 37, the limitation periods prescribed under Articles 116 and 117 of the Limitation Act, will apply.

7. In the said Judgment, the Hon'ble Court further emphasised that while Section 5 of the Limitation Act permits condonation of delay, such discretion must be exercised with caution. It is confined to “short delays” and is to be invoked only where the appellant demonstrates *bona fide* conduct, absence of negligence, and lack of prejudice to the respondent.”

(emphasis supplied)

9. In view of the aforesaid judgment, there is no dispute that for commercial disputes of “*Specified Value*” under the CC Act, the limitation period for filing an appeal under Section 37 of the A&C Act is 60 days, in terms of Section 13(1A) of the CC Act. Since the present matter squarely meets the threshold of “*Specified Value*”, the Appellant was required to file the appeal on or before 10.10.2023.

10. The record, however, shows that the appeal came to be filed only on 20.12.2023. A comparative statement of dates is set out below:

Event	Date	Remarks
Date of Impugned Judgment	11.08.2023	Starting point of limitation
Date of Application for Certified Copy	29.08.2023	
Date of Delivery of Certified Copy	13.09.2023	Time taken: 16 days



Expiry of the 60-day limitation	10.10.2023	Last date for filing appeal without an application for condonation
Actual Date of Filing the Appeal	20.12.2023	71 days beyond the statutory period

11. It is thus evident that the present appeal was filed 71 days after the expiry of the prescribed limitation. However, the Appellant has sought exclusion of 16 days (from 29.08.2023 till 13.09.2023), being the time requisite for obtaining a certified copy, in terms of Section 12 of the Limitation Act. The Appellant has produced documentary proof demonstrating the date of application and receipt of the certified copy of the Impugned Judgement.

12. The Hon'ble Supreme Court in *India House v. Kishan N. Lalwani*⁸ has categorically held that Section 12 of the Limitation Act must receive a liberal construction so that litigants are not denied their statutory remedy merely on account of the time taken in obtaining a certified copy of the judgment. The relevant paragraph of the said judgment reads as follows:

“7. It is well settled that by virtue of sub-section (2) of Section 29 of the Limitation Act the provisions of Section 12 are applicable for computing the period of limitation prescribed by any special or local law. (See *D.P. Mishra v. Kamal Narayan Sharma* [(1970) 2 SCC 369] and *Malojirao Narasingarao Shitole v. State of M.P.* [(1969) 2 SCC 723]) The period of limitation statutorily prescribed has to be strictly adhered to and cannot be relaxed or departed from for equitable considerations. At the same time full effect should also be given to those provisions which permit extension or relaxation in computing the period of limitation such as those contained in Section 12 of the Limitation Act. The underlying purpose of these provisions is to enable a litigant seeking enforcement of his right to any remedy to do so effectively and harsh prescription of time bar not unduly interfering with the

⁸ (2003) 9 SCC 393



exercise of statutory rights and remedies. That is why Section 12 has always been liberally interpreted. To wit, the time requisite for obtaining a copy of the impugned decree, sentence or order has been held liable to be excluded from computing the period of limitation although such copy may not necessarily be required to be filed along with the appeal, application or memo of representation or review. No distinction is drawn between decrees or orders pronounced on the original side or the appellate or revisional side. No application is required to be made seeking the benefit of Section 12 of the Limitation Act; it is the statutory obligation of the court to extend the benefit where available. Although the language of sub-section (2) of Section 12 is couched in a form mandating the time requisite for obtaining the copy being excluded from computing the period of limitation, the easier way of expressing the rule and applying it in practice is to find out the period of limitation prescribed and then add to it the time requisite for obtaining the copy — the date of application for copy, and the date of delivery, thereof both included — and treat the result of addition as the period of limitation. The underlying principle is that such copy may or may not be required to accompany the petition in the jurisdiction sought to be invoked yet to make up one's mind for pursuing the next remedy, for obtaining legal opinion and for appropriately drafting the petition by finding out the grounds therefor the litigant must be armed with such copy. Without the authentic copy being available the remedy in the higher forum or subsequent jurisdiction may be rendered a farce. All that sub-section (2) of Section 12 of the Limitation Act says is the time requisite for obtaining the copy being excluded from computing the period of limitation, or, in other words, as we have put it hereinabove, the time requisite for obtaining the copy being added to the prescribed period of limitation and treating the result of addition as the period prescribed. In adopting this methodology it does not make any difference whether the application for certified copy was made within the prescribed period of limitation or beyond it. Neither is it so provided in sub-section (2) of Section 12 of the Limitation Act nor in principle we find any reason or logic for taking such a view.”

(emphasis supplied)

13. Applying this principle, the period of 16 days must be excluded in computing the limitation. Thus, the effective delay stands reduced to 55 days.

14. Now, the sole question remains as to whether this residual delay of 55 days is liable to be condoned. The law is well-settled that



“sufficient cause” under Section 5 of the Limitation Act must receive a broad, justice-oriented interpretation, provided the explanation is *bona fide* and free from negligence.

15. The averments made in the application for condonation of delay, as extracted above, demonstrate that the Appellant has not only accounted for the time spent in obtaining the certified copy of the Impugned Judgment but has also provided a chronology of events and procedural steps undertaken. The application sets out the timeline along with relevant particulars. In essence, the application can be summarized as follows:

- (i). The delay was neither intentional nor deliberate but arose due to administrative processes.
- (ii). 11.08.2023 - Impugned judgment passed.
- (iii). 29.08.2023 - Certified copy applied for.
- (iv). 13.09.2023 - Certified copy delivered (after 16 days).
- (v). 20.09.2023 - Matter referred to higher authorities for approval to file appeal.
- (vi). Approval process delayed due to:
 - (a) Bulkiness of the file.
 - (b) Involvement of multiple departments.
 - (c) Lengthy administrative procedures.
- (vii). File circulated between 20.09.2023 and 01.12.2023 among the authorities for approval on various dates.
- (viii). 01.12.2023 - Final approval granted.
- (ix). The Law & Justice Department appointed counsel.
 - (a) Initially, nominated counsel declined.
 - (b) Present counsel appointed on 12.12.2023.



- (x). 15.12.2023 - Case files handed over to counsel.
- (xi). Appeal prepared and vetted for signatures thereafter.
- (xii). 20.12.2023 – Appeal filed.
- (xiii). These procedural steps caused the said delay.

16. A careful examination of the chronology reveals a continuous chain of administrative steps. The delay was entirely procedural, arising from multi-tiered scrutiny, inter-departmental consultations, and formal approvals inherent in the functioning of State machinery. Once the requisite administrative approval was granted and counsel appointed, the appeal was promptly and diligently pursued, reflecting the *bona fide* intent of the Appellant to comply with all procedural requirements.

17. While the objective of expeditious disposal of commercial disputes is undoubtedly paramount, it is equally essential that justice is not sacrificed at the altar of hyper-technicalities. To deny condonation in circumstances where the delay is fully explained and *bona fide* would result in a disproportionate prejudice to the State, effectively barring it from exercising its statutory right to appellate scrutiny.

18. It is well-settled that justice must be advanced on the merits of a case rather than defeated by technical or procedural lapses, particularly when such lapses are attributable to institutional processes beyond the control of the Appellant. In the present case, the delay is neither gross nor inordinate, and the equities clearly favour condonation. Furthermore, the interests of the Respondent are adequately protected through the imposition of costs, ensuring a fair and balanced outcome for both parties.



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19. In our considered view, the Appellant has satisfactorily demonstrated “*sufficient cause*” within the meaning of Section 5 of the Limitation Act. The explanation tendered is clear, credible, and supported by contemporaneous record. The residual delay of 55 days, although regrettable, cannot be regarded as fatal, given the procedural context and *bona fide* conduct of the Appellant.

20. Accordingly, CM APPL. 67422/2023, being the application for condonation of delay, is allowed. The delay of residue 55 days in filing the appeal is hereby condoned, subject to the Appellant paying costs of Rs. 20,000/- to the Respondent.

21. **CM APPL. 67422/2023** stands disposed of in the aforesaid terms.

22. Issue notice in the Appeal to the Respondent by all permissible modes, upon filing of the process fee, returnable on 12.02.2026.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
OCTOBER 09, 2025/sm/ds