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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ O.M.P. (COMM) 256/2025, I.A. 16517/2025
UNION OF INDIAPetitioner

Through: None.

versus

M/S AZFARUDDIN ENGINEERS AND GOVT.
CONTRACTORRespondent

Through: Mr. Saurav Yadav, Adv.

CORAM:

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

% **30.07.2026**

I.A. 16518/2025 (29 Days Delay) and I.A. 16673/2025 (15 Days Delay)

1. The matter has been called out twice. None has appeared on behalf of the Petitioner.

2. The present application has been filed under Section 5 of Limitation Act, 1963 read with Section 34(3) proviso of the Arbitration and Conciliation Act, 1996¹ seeking condonation of delay of 29 days in filing the present petition against the impugned arbitral award dated 22.01.2025

3. It is pleaded in the present petition that due to internal departmental delay in functions, the Petitioner took some time to provide proper instruction to its Counsel in filing the present petition.

4. The case of the Petitioner is that the impugned award was

¹ "the Act", hereinafter



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passed on 22.01.2025 and was received by the Petitioner on the same date. Accordingly, the initial period of limitation for filing the petition under Section 34 of the Act expired on 23.04.2025. The further condonable period of thirty days, as contemplated under the proviso to Section 34(3) of the Act, would expire on 23.05.2025. The present petition, having been filed prior to 23.05.2025, is therefore within the permissible condonable period, subject to the Petitioner demonstrating sufficient cause for not filing the petition within the initial period of limitation.

5. Mr. Saurav Yadav, learned Counsel for the Respondent submits that even assuming that the arbitral award was received by him on 22.01.2025, the limitation to file the present petition was expired on 21.05.2025, whereas the authorisation to file the present petition was itself taken on 26.05.2025.

6. Hence the petition is itself barred by limitation beyond 120 days.

7. I have gone through the relevant record and log information.

8. The law pertaining to condonation of delay in commercial matters is a well-settled law and does not need an elaborative discussion. Therefore, in the interest of brevity, I do not propose to burden this judgment with a detailed discussion of the various authorities.

9. The Division Bench of this Court in the matter of *Casablanca*



Apparels Pvt ltd v. Polo/lauren Company L.p² has discussed the approach to be adopted while dealing with the application for condonation of delay in commercial matters. The relevant paras for the same are reproduced hereinbelow:

“6. The aforesaid submission of appellant has been controverted by the respondent in its reply by submitting that the application fails to disclose a “sufficient cause” for condonation of above huge and inordinate delay in filing of this appeal and to substantiate this fact, they also referred to a email dated 16.01.2024 from the appellant's present counsel on record, wherein the appellant proposed a settlement between the parties, which indicates that the new counsels were engaged and were already privy to the dispute much before the said date of 16th January 2024. They have also enclosed copy of the said e-mail along with their reply and it is a vehement contention of learned Counsel for respondent that it is crystal clear from the contents of this e-mail that the appellant's present counsels (on record) were already engaged by the appellant prior to the date of filing of the present appeal.

7. The appellant also seeks to rely on medical grounds in the rejoinder which the respondents have challenged with the fact that they were never disclosed in the original application seeking condonation of delay. These grounds, being introduced at this belated stage, are opposed and their authenticity is denied by the respondent and it has been argued that these grounds are merely an after-thought.

8. In the judgment of *Thirunagalingam v. Lingeswaran & Anr.*³ the Supreme Court has made it clear that the foremost duty of the Court, while considering a plea for condonation of delay, is to examine the bona fides of the explanation offered by the applicant. The relevant extract is reproduced below:

“31. It is a well-settled law that while considering the plea for condonation of delay, the first and foremost duty of the court is to first ascertain the bona fides of the explanation offered by the party seeking condonation rather than starting with the merits of the main matter. Only when sufficient cause or reasons given for the delay by the litigant and the opposition of

² 2025:DHC:6518-DB

³ 2025 SCC OnLine 1093



the other side is equally balanced or stand on equal footing, the court may consider the merits of the main matter for the purpose of condoning the delay.

32. Further, this Court has repeatedly emphasised in several cases that delay should not be condoned merely as an act of generosity. The pursuit of substantial justice must not come at the cost of causing prejudice to the opposing party. In the present case, the respondents/defendants have failed to demonstrate reasonable grounds of delay in pursuing the matter, and this crucial requirement for condoning the delay remains unmet”.

9. The Commercial Courts Act, 2015 was enacted with the objective of ensuring swift adjudication of high stakes commercial disputes involving intricate factual and legal issues. Timely resolution of such matters is intended to enhance the perception of the Indian legal system as independent and efficient, thereby strengthening global confidence, fostering economic growth, and improving India’s standing in terms of justice delivery and legal reliability. In *Jharkhand UrjaUtpadan Nigam Ltd. & Anr. v. M/s Bharat Heavy Electricals Limited*⁴, the Supreme Court emphasized the objective of Commercial Court Act, 2015 to the following effect:

“17. One of the avowed objects of the provisions of the Commercial Courts Act read with amended provisions of CPC applicable to the Commercial Courts is to ensure that there is no unnecessary delay in disposal of the commercial suit. Once specific time lines are fixed and there is a strict procedure provided in terms of the Commercial Courts Act, parties are by the statute put to notice that they have to very carefully contest the suits filed as commercial suits and that failing to comply with statutory timelines and a strict procedure, certain adverse consequences may flow on account of lack of application by a contesting party”

10. Additionally, the Supreme Court, in *Government of Maharashtra v M/s Borse Brothers Engineers & Contractors Pvt. Ltd.*⁵, has categorically held that the power to condone delay in commercial matters is to be exercised by way of exception, and not as a rule, and only where the party has acted in bona fide manner

⁴ 2025 SCC OnLine SC 910

⁵ (2021) 6 SCC 460



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and with due diligence, and not negligently or casually.

11. *Given the object and scheme of the Commercial Courts Act, 2015 and the law laid down by Supreme Court, which lays emphasis on speedy resolution of high-value commercial disputes, the expression "sufficient cause" must be interpreted strictly, and not liberally."*

10. The reason for delay is the internal departmental delay. In the present matter, internal departmental delay and time consumed in obtaining approvals cannot constitute "sufficient cause."

11. ***In Government of Maharashtra (Water Resources Department) v. Borse Brothers Engineers & Contractors Pvt. Ltd.***⁶, the Supreme Court, while dealing with appeals governed by the Arbitration Act and the Commercial Courts Act, specifically rejected explanations based upon file pushing and administrative exigency. The relevant para is reproduced below:-

"63. Apart from this, there is a long delay of 131 days beyond the 60- day period provided for filing an appeal under section 13(1A) of the Commercial Courts Act. There is no explanation worth the name contained in the condonation of delay application, beyond the usual file-pushing and administrative exigency. This appeal is therefore dismissed."

12. Therefore, keeping in mind the objective of speedy disposal under the Arbitration Act and the Commercial Courts Act, and the settled law that delay is to be condoned only as an exception and not as a matter of course, this Court finds no "sufficient cause" in 29 days delay in filing and 15 days delay in re-filing.

⁶ (2021) 6 SCC 460



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13. Accordingly, this Court finds itself unable to condone the delay in filing the present appeal.

14. Accordingly, I.A. 16518/2025 and I.A. 16673/2025 stand disposed of.

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15. Consequently, the O.M.P. (COMM) 256/2025 also stands dismissed.

OM PRAKASH SHUKLA, J

JULY 30, 2026/ss