



2026:DHC:8718



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CNR No. DLHC011031302024

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ARB. A. (COMM.) 7/2025, I.A. 2186/2025, I.A. 2187/2025

ENVIRO INFRA ENGINEERS LTD.

.....Petitioner

Through: Mr. Abhinav Jain, Adv.

versus

NAVA RAIPUR ATAL NAGAR VIKAS PRADIDKARN

.....Respondent

Through: Mr. Abhijeet Mishra, Adv.

CORAM:**HON'BLE MR. JUSTICE OM PRAKASH SHUKLA****ORDER(ORAL)**

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30.09.2026

1. Mr. Abhinav Jain, learned Counsel appears on behalf of the Petitioner and seeks some time as the learned arguing Counsel is not available.

2. This Court is not inclined to grant the request for adjournment.

3. Despite the Appellant and the Respondent having remained engaged in settlement discussions since 2025, notice in the present proceedings has, as on date, not been served upon the Respondent.

4. On a perusal of the record, it is found that the impugned order was passed on 19.09.2024.

5. Upon exclusion of the date of the impugned order, the period of limitation commenced on 20.09.2024 and the prescribed period of 60 days expired on 18.11.2024. The present appeal having been initially filed on 19.12.2024, there is, therefore, an actual delay of 31 days beyond the prescribed period of limitation and not 30 days.



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6. This Court is of the view that the delay of 31 days in filing the present appeal does not merit condonation, as the Appellant has failed to disclose any “*sufficient cause*” satisfying the strict standard laid down in ***Government of Maharashtra v. Borse Brothers Engineers & Contractors Pvt. Ltd.***,¹, wherein the Hon’ble Supreme Court held that delay beyond the prescribed period in commercial arbitration matters is to be condoned only by way of exception and not as a matter of course, and only where the party demonstrates *bona fides* and absence of negligence.

7. Having perused the record, this Court is of the view that, in the present case, the explanation offered is wholly routine, and administrative in nature, for the reasons that would follow.

8. The explanation furnished by the appellant, namely, the alleged change of Counsel, cannot, by itself, justify the failure to act within the prescribed period of limitation. Further, the plea that the concerned company official was occupied with preparations relating to the company’s listing on the National Stock Exchange is wholly internal to the Appellant’s business affairs and does not disclose any circumstance that actually prevented the filing of the appeal within the prescribed period.

9. The Appellant has also sought to explain the delay by stating that certain pleadings or documents were found to be missing after the newly engaged Counsel examined the record. The explanation is equally vague, as the application neither identifies the documents



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allegedly found missing nor explains why the appeal could not have been instituted within the period of limitation and the record completed thereafter.

10. The further plea that the office of the newly engaged counsel was being shifted and documents were packed in boxes amounts, at best, to an administrative inconvenience. Such inconvenience cannot, by itself, constitute an impediment preventing the Appellant from instituting the appeal within the prescribed period of limitation.

11. More importantly, the application also fails to furnish a clear date wise account of the relevant events. It does not disclose when the previous Counsel was discharged, and when the new counsel was engaged, when the record was sought and received. In the absence of such particulars, explanation offered remained vague and does not satisfactorily accounts for the period of delay.

12. Upon perusal of the application, the documents explaining the delay were missing, no documents are placed on record when the missing document was received.

13. Thus, for the aforesaid reasons, the present appeal is dismissed as being time barred.

14. Pending application(s), if any, also stand disposed of.

OM PRAKASH SHUKLA, J

SEPTEMBER 30, 2026/gunn

Signature Not Verified

Signed By: ANUBHAK
TRIPATHI
Signing Date: 13.10.2026
18:57:41

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