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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 3rd September, 2026

Uploaded on: 7th September, 2026

CNR No. DLHC010116602026

+ RFA(COMM) 179/2026, CM APPL. 18782/2026 & CM APPL. 18783/2026

M/S YES SIR CATERING SERVICES PVT. LTD.....APPELLANT

Through: Mr. Ayush Mittal, Mr. Honey Gola &
Ms. Mehak Sharma, Adv. (M:
8700319650)

versus

PREHLAD RAI GARGRESPONDENT

Through: Mr. Dhruv Gupta, Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE VIKAS MAHAJAN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. This is an appeal filed by the Appellant challenging the impugned judgment dated 3rd January, 2023 passed by the Id. District Judge (Commercial Court), Karkardooma Courts, by which a decree has been passed against the Appellant/Defendant in the following terms:

“38. Issue No. 7:-

'Relief'

In view of detailed discussion on the aforesaid issues, the suit of the plaintiff is decreed in his favour and against the defendant for a sum of



Rs. 7,74,738.77/- alongwith interest@ 6% p.a. from 01.08.2018 till realization alongwith costs of the suit. The decree sheet be prepared accordingly.

File be consigned to record room after compliance of necessary legal formalities as per rules."

3. The present appeal has been filed with substantial delay. The date of the impugned judgment is 3rd January, 2023 and the appeal has been filed in March, 2026.
4. On 9th April, 2026, the Court was not inclined to condone the delay, however, in order to see the *bonafides* of the Appellant, the principal amount was directed to be tendered for sum of Rs. 7,74,738.77/-.
5. On the next date *i.e.*, 22nd April, 2026, the Appellant had appeared and submitted that he needed one more month to make the payment in terms of the order dated 9th April, 2026. Accordingly, the execution petition was directed to be adjourned beyond the next date.
6. Thereafter, on 7th July, 2026, the Appellant had handed over a demand draft for a sum of Rs.2,50,000/- to the Respondent and further direction was issued for paying a further sum of Rs.2,50,000/- by the next date of hearing *i.e.*, 3rd September, 2026.
7. Today, no amount has been tendered by the Appellant. Various medical grounds are relied upon to argue that the Appellant is unable to make the payment but he prays for further time.
8. As can be seen from the application for condonation of delay itself, the delay in filing this appeal is more than one thousand days. The only ground given is the medical record of the Appellant wherein it is submitted that the



Appellant was suffering from some medical issues.

9. The Supreme Court in ***Government of Maharashtra (Water Resources Department) Represented By Executive Engineer v. Borse Brothers Engineers & Contractors Pvt. Ltd., (2021) 6 SCC 460***, observed as under:

“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 of 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 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.”

10. Thus, condonation of delay in commercial appeals is the exception and not the rule.

11. Further, a Co-ordinate Bench of this Court in ***Delco Infrastructure Projects Pvt. Ltd. & Ors. V. Intec Capital Ltd. & Anr., 2025 SCC OnLine***



Del 2158 has also refused to condone delay in the following terms:

“10. In N.V. International v. State of Assam, (2020) 2 SCC 109, the Supreme Court had taken a view that the delay in filing an appeal under Section 37 of the Act cannot be condoned beyond a period of thirty days. However, this decision was overruled by the Supreme Court in a subsequent decision in Government of Maharashtra (Water Resources Department) Represented By Executive Engineer v. Borse Brothers Engineers & Contractors Pvt. Ltd., (2021) 6 SCC 460. The Supreme Court held that the power of the court to condone the delay in filing the appeal under Section 37(1) of the Act was not restricted to a period of thirty days as specified under the proviso to Section 34(3) of the A&C Act. However, the Supreme Court also observed as under:

“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 of pressing negligent and stale claims.....

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11. It is essential to adhere to time lines in matters involving commercial disputes. Any delay in filing



appeals under Section 13(1A) of the Commercial Courts Act, 2015 cannot be condoned unless the court is satisfied that the appellants were prevented from sufficient cause from filing the appeal within the stipulated time. The court must be satisfied that such cause is genuine and not an illusion to disguise lack of diligence.

12. In the facts of the present case, we are unable to accept that the appellants have shown any sufficient cause for condoning the delay in filing the present appeal.”

12. In the above decision, the Court has clearly held that where the reasons for delay are not genuine, the same does not deserve to be condoned. The Court has further held that delay in commercial appeals can be condoned only upon the Court being satisfied that the Appellants were prevented by sufficient cause from filing the appeal within the stipulated period.

13. The provisions of the Commercial Courts Act, 2015 prescribe strict timelines for filing of pleadings and appeals. The intention behind the same is to ensure speedy disposal of commercial matters. The legislative intention cannot be defeated by permitting parties to violate the timelines, without sufficient cause.

14. The Court has considered the said medical records and the reasons for delay. The medical records of the Appellant relate to March, 2023, June, 2023, August, 2023 and November, 2023.

15. The Appellant is stated to have undergone knee surgery during the year 2023. In the year 2024, the only prescriptions placed on record are from homeopathy clinics.

16. In the opinion of this Court, these records are insufficient to constitute a sufficient cause for the long period of delay of three years in the filing of



this appeal. Further, no sufficient cause has been shown for condoning the delay, in terms of Section 13 of the Commercial Courts Act, 2015, which clearly prescribes that the appeal would be liable to be filed within a period of 60 days.

17. The appeal is, accordingly, dismissed on the ground of delay. Pending applications, if any, are also disposed of.

18. The Respondent is free to execute the impugned decree in accordance with law. The amount of Rs.2,50,000/- paid during the course of this appeal shall be considered as part-payment of the principal amount.

**PRATHIBA M. SINGH
JUDGE**

**VIKAS MAHAJAN
JUDGE**

SEPTEMBER 3, 2026/MR/Ck