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

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Date of Decision: 30.04.2025

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RFA(COMM) 245/2025

CDS INFRA PROJECTS LIMITED

.....APPELLANT

Through: Mr. Ankur Singh & Ms. Himanshi
Sisodiya, Advocates.

versus

**REINFORCED EARTH INDIA PRIVATE
LIMITED**

.....RESPONDENT

Through: Mr. Gurinder Pal Singh, Mr. Siddharth
Borah & Ms. Maryam Beg, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE TEJAS KARIA

VIBHU BAKHRU, J. (Oral)

CM APPL. 25898/2025 (exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 25897/2025 (condonation of delay)

3. The Appellant has filed the present application seeking condonation of delay of 172 days in filing the appeal.
4. The judgment and decree against the Appellant was passed on 29.08.2024.
5. The Appellant had applied for a certified copy of the impugned judgment and decree on 14.11.2024 which was made available on 11.12.2024. It is material to note that when the application for a certified copy was made, time period for filing the present appeal had already expired.



6. There is no explanation for not filing the present appeal during the period 29.08.2024 to 14.11.2024.

7. There is no explanation for the delay in moving the application for the certified copy of the impugned judgment and decree. Concededly, the period between 29.08.2024 to 14.11.2024 is also required to be considered while computing the delay in filing the present appeal. Only the period from the date of application for the certified copy to the date on which it was prepared is required to be excluded. It is seen that the Appellant has not furnished any credible explanation for the delay in filing the present appeal.

8. The Respondent claims that after the certified copy became available, the appeal should have been filed, but the Appellant failed to do so before the closure of the court for vacation on 25.12.2024. The closure of the court would not extend the period of limitation in the facts of the present case, as the period for filing the appeal had already expired before the closure of the court for winter vacations. The court reopened on 07.01.2025 and the only explanation furnished by the Appellant for the delay thereafter reads as under:

“5. That unfortunately authorised representative of the appellant got busy in some very important official work and thereafter he fallen sick and considerable time elapsed in his recovery and therefore there is the delay of 172 days in filing the accompanying appeal.”

9. It is clear from the above that the Appellant has failed to furnish any sufficient cause that prevented him from filing the appeal within the period of limitation. There is no explanation whatsoever to persuade this Court to accept that there was sufficient cause for the delay on the part of appellant, and to condone it.

10. In *Government of Maharashtra (Water Resources Department)*



Represented By Executive Engineer v. Borse Brothers Engineers and Contractors Pvt. Ltd.: (2021) 6 SCC 460, the Supreme Court had explained that in commercial disputes, the expression ‘sufficient cause’ in the context of delay in filing is not elastic, and inordinate and unexplainable delay ought not to be condoned. The relevant extract of the said decision is set out 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...

* * *

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....”

11. In view of the above, the application for condonation of delay is rejected.

RFA(COMM) 245/2025 and CM APPL. 25896/2025(Stay)

12. In view of the above, the appeal stands dismissed. Pending application(s), if any, also stand disposed of.

VIBHU BAKHRU, J

TEJAS KARIA, J

APRIL 30, 2025/ ‘A’

Click here to check corrigendum, if any