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

+ **FAO(OS) (COMM) 53/2019**

SUNIL KUAMR

..... Appellant

Through: Mr. Vikas Kumar, Mr. Manish
Paliwal and Mr. Ashutosh K. Sharma,
Advs.

versus

M/S LARSEN & TOUBRO LTD

..... Respondent

Through: Mr. Abhishek Chandra, Adv.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

27.11.2019

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We put it to learned counsel for the appellant to satisfy us as to how the present appeal is maintainable under Section 13 of the Commercial Courts Act, 2015. The said Section, inter alia, provides that Any person aggrieved by the judgment or order of a Commercial Court at the level of District Judge exercising original civil jurisdiction or, as the case may be, Commercial Division of a High Court may appeal to the Commercial Appellate Division of that High Court within a period of sixty days from the date of the judgment or order. Proviso to sub section 1A of Section 13 provides that such an appeal shall lie from such orders passed by a Commercial Division or a Commercial Court that are specifically enumerated under Order XLIII of the Code of Civil Procedure, 1908 (5 of 1908) as amended by the Act and section 37 of the Arbitration and

Conciliation Act, 1996. This takes us to Order XLIII CPC which enumerates appealable orders and an order condoning delay and taking written statement on record is not an order which is specifically made appealable. No reliance can be placed on Letters Patent Appeal read with Section 10 of the Delhi High Court Act in Commercial Matters. Aforesaid being the position, counsel for the appellant is not in a position to justify the maintainability of this appeal. The same is, accordingly, dismissed as not maintainable.

VIPIN SANGHI, J

SANJEEV NARULA, J

NOVEMBER 27, 2019

N.Khanna