



2025:DHC:2412-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of decision: 07.04.2025*+ **FAO(OS) (COMM) 150/2021****ASHIMA INFRASTRUCTURE PVT LTD**AppellantThrough: **Mr. Amit Kumar Pandey, Adv.**

versus

PARSVNATH DEVELOPERS LTDRespondent

Through:

CORAM:**HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE RENU BHATNAGAR****NAVIN CHAWLA, J. (Oral)****CM APPL. 19319/2025(Exemption)**

1. Allowed, subject to all just exceptions.

CM APPL. 19320/2025 & CM APPL. 19318/2025

2. CM APPL. 19320/2025 has been filed by the appellant, seeking condonation of a delay of 400 days in filing the application, being CM APPL. 19318/2025, for restoration of the present appeal (hereinafter referred to as, 'restoration application'), which was dismissed in default on account of non-prosecution *vide* Order dated 12.01.2024.

3. In the application, it is stated that there were some internal management differences in the functioning of the appellant-company, and the person who was responsible for making decisions in the company, namely, Mr. Anil Sharma, was in judicial custody, pursuant to the lodging of FIR No. 24/2023, registered at Police Station Sector



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17, Chandigarh, and he remained in custody from the Month of March 2023 till 28.10.2024. It is further stated that in view of the same, the appeal could not be pursued.

4. We have perused the contents of the application and considered the submissions made by the learned counsel for the appellant/applicant.

5. We do not find the above-stated grounds to be sufficient reason in order to condone the delay of 400 days in filing the restoration application. Notably, the company being an artificial person, cannot be solely dependent on one individual person, whose custody would bring the company to a standstill. Further, it is an admitted fact that there were other directors in the company who could have pursued the present appeal. As far as the submissions of the learned counsel for the appellant that there were certain internal disputes between the directors, the same again act as a valid justification for this delay.

6. Accordingly, we find no merit in the present application. The same is dismissed. Consequently, the restoration application, being CM APPL. 19318/2025, also stands dismissed on account of it being barred by limitation.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

APRIL 7, 2025

p/sm/dg

Click here to check corrigendum, if any