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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA(COMM) 414/2024, CM APPL. 57919/2024-Stay, CM APPL. 57920/2024-Exp, CM APPL. 57921/2024-Delay 231 days in filing appeal., CM APPL. 57922/2024-Exp from filing decree sheet., CM APPL. 57923/2024-u/s 149 CPC

MUNICIPAL CORPORATION OF DELHIAPPELLANT

Through: Mr. Sanjeev Sagar, SC with Ms. Nazia Parveen, Advocates

versus

TRANSLINE TECHNOLOGIES LTDRESPONDENT

Through: None

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

01.10.2024

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1. The present regular first appeal under Section 96 of the CPC, 1908 read with Order XLIII, Rule 1 read with Section 13 of the Commercial Courts Act, 2015 seeks to assail the judgment/decreed dated 11.12.2023 passed by the learned District Judge (Commercial Court)-12, Central District, Tis Hazari Courts, Delhi in CS (COMM) No.1526/2019, vide which the learned Trial Court has decreed the suit preferred by the appellant for a sum of Rs.82,25,072/- along with interest @ 12% per annum.

2. The appeal is accompanied by an application seeking condonation of 231 days delay in filing the present appeal. Learned counsel for the appellant submits that the appellant has already implemented the impugned judgment in part by releasing the said principal amount in terms of the impugned order and therefore, the present appeal is confined to the appellant's prayer for reduction of the rate of interest alone.

3. Having considered the submissions of the learned counsel for the



appellant and perused the record, we are of the view that the application for condonation of delay in itself is liable to be rejected. We, find that in para 4 of the application it has been averred that the case file had been forwarded to the legal counsel and since a serious law point was involved, the appeal could not be filed in time, whereas in para 6 an absolutely contrary plea has been taken that the matter remained unnoticed, leading to the delay in filing of the appeal. From these averments made in the application, we are of the view that the reasons furnished by the appellant for seeking condonation of this inordinate delay of 231 days cannot be treated as sufficient cause for condoning the said delay.

4. Even though, we find no reason to condone the delay in filing of the present appeal, we have still examined the grounds raised by the appellant for seeking reduction in the rate of interest, but find no merit therein. The transaction between appellant and the respondent was purely commercial, where the grant of interest @ 12% cannot be said to be exorbitant or unwarranted. In these circumstances, we find no reason to interfere with the interest @ 12% as awarded by the learned Trial Court after appreciation of the factual matrix.

5. For the aforesaid reasons, we find no reasons either in the application seeking condonation of delay or even in the appeal itself. The appeal, alongwith all the accompanying applications, is accordingly dismissed.

REKHA PALLI, J.

SAURABH BANERJEE, J.

OCTOBER 1, 2024/So