

*Kavita S.J.*

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.11257 OF 2025  
IN  
COMMERCIAL FIRST APPEAL (L) 16955 OF 2025**

**Andesoft Consulting Private Limited**

**...Applicant/  
Appellant**

***Versus***

**Batlivala & Karani Securities India Private Limited ...Respondent**

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Mr. Shanay Shah a/w Ms. Rajvi Mehta, Ms. Laleh Pandole i/b Vashi  
& Vashi for the Applicant/Appellant.

Mr. Khushal Shekhawat i/b Raj Legal for the Respondent.

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**CORAM : R.I. CHAGLA AND  
FARHAN P. DUBASH, JJ.**

**DATED : 10<sup>th</sup> OCTOBER, 2025.**

**ORDER :**

1. By this Interim Application, the Appellant/Applicant has sought condonation of delay of 34 days in filing the present Commercial First Appeal and to take on record the said First Appeal alongwith the accompanying documents.

2. The Applicant has provided the cause for the delay in Paragraphs 4 to 6 of the Interim Application. In Paragraph 6 of the

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Interim Application it is stated that there were notes of evidence of the Respondent's witness annexed to the present Memo of Appeal which were not readily available in the record maintained and the same has been procured separately. There is also mention made in the prior Paragraphs of the unavailability of the Director of the Applicant at the time when said Appeal had to be filed as well as delay aggravated by the employees of the Applicant – Company being preoccupied with financial year end compliances i.e. in the month of March 2025 which hampered the Appellant – Company from providing instructions to its Attorneys.

3. The Application has been opposed by the learned Counsel appearing for the Respondent. He has submitted that there are no documents in support of the averments which have been produced by the Applicant insofar as the unavailability of the concerned Director of the Applicant - Company as well as employees of the Applicant - Company being preoccupied with financial year end compliances.

4. The learned Counsel for the Respondent has further submitted that the Applicant was aware of the documents which

were required to be filed with the said Appeal and which is apparent from the *roznama* of the City Civil Court, Mumbai dated 16<sup>th</sup> January, 2025.

5. The learned Counsel for the Respondent has also referred to the Judgment of the Supreme Court on delay and the cause of delay requiring to fall within the four corners of sufficient cause. He has submitted that in the present case there is no sufficient cause made out for condoning the delay.

6. Having considered the submissions, in our view, in the interest of justice, we cannot shut the Appellant from filing the Commercial First Appeal on ground of delay, particularly considering that there has been cause shown for the delay in the aforementioned Paragraphs of the Interim Application as well as the quantum of the delay being 34 days over and above the prescribed period of 60 days for filing of the said Appeal under Section 13 of the Commercial Courts Act, 2015.

7. The Judgments of the Supreme Court relied upon by the Respondent viz. ***Mool Chandra Vs. Union of India & Anr.***<sup>1</sup> and

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<sup>1</sup> (2025) 1 SCC 625

***Basawaraj & Anr. Vs. Special Land Acquisition Officer***<sup>2</sup> were in cases of exorbitant delay and can be distinguished from the present case, where the delay is of 34 days.

8. Although, the Applicant should have been more diligent in filing of the present Commercial First Appeal and should have relied upon the documents in order to support their averments insofar the Director of the Applicant - Company being unavailable as well as the employees of the Applicant - Company being preoccupied with financial year and compliances in the month of March, 2025, we consider this to be an appropriate case to condone the delay by imposing costs of Rs.50,000/- which shall be paid by the Applicant to the Respondent.

9. In view thereof, the delay in filing of the Commercial First Appeal is condoned, subject to payment of costs of Rs.50,000/- (Rupees Fifty Thousand only) payable by the Applicant to the Respondent, within a period of two weeks from today.

10. The Registry shall take on record the Commercial First Appeal alongwith the accompanying documents which have been

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<sup>2</sup> (2013) 14 SCC 81

filed by the Applicant/Appellant, subject to payment of costs as above.

11. The Interim Application is accordingly disposed of.

**[FARHAN P. DUBASH, J.]**

**[R.I. CHAGLA, J.]**