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IN THE HIGH COURT OF DELHI AT NEW DELHI

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FAO (COMM) 64/2024

ICEBERG FOODS LIMITED

.....Appellant

Through: Mr. Vishal Chaudhary & Mr.
Vivek Jha, Advs.

versus

PACT CLOSURE SYSTEMS

INTERNATIONAL (I) PVT. LTD

.....Respondent

Through: Mr. Manish Sharma, Sr. Adv.
with Mr. Avinash, Mr. Ninad
Dogra & Mr. Siddhant Sood,
Advs.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN

SHANKAR

ORDER

04.03.2025

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CM APPL. 21421/2024 (Delay 571 days in filing Appeal)

1. By way of the present application the applicant seeks condonation of delay of 571 days in preferment of the instant appeal.
2. As is manifest from the disclosures which are made in the affidavit filed in support of the present application, the solitary averment made is that the business accounts of the applicant had been classified as Non-Performing Assets and that it was facing a financial crisis. Apart from the bald allegations so made, there is no other material which has been placed on our record in support of the contention that the applicant was unable to approach the Court earlier in view of financial difficulties.
3. We find that the original petition filed under Section 34 of Arbitration and Conciliation Act, 1996 ['Act'] itself had come to be



rejected being beyond the time provided for in Section 34(2) of the Act. Those findings are not even been assailed in the petition referable to Section 37 and which is the appeal placed for our consideration.

4. In view of the aforesaid, we are of the opinion that the attitude as adopted is clearly lackadaisical and would clearly not justify the condonation of the enormous delay of more than 500 days.

5. The application is, consequently, rejected.

FAO (COMM) 64/2024, CM APPL. 21419/2024 (Stay)

6. The appeal shall in consequence stand consigned to the record.

YASHWANT VARMA, J.

HARISH VAIDYANATHAN SHANKAR, J.

MARCH 4, 2025/v