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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RFA(COMM) 281/2025**

NBCC (INDIA) LTD.APPELLANT
Through: **Mr Rajnish K.Jha, Advocate.**

versus

MR. PRAVEEN MITTALRESPONDENT
Through: **None.**

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MR. JUSTICE TEJAS KARIA

ORDER
09.05.2025

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CM APPL. 28528/2025

1. The appellant has filed the present application seeking condonation of delay of 120 (one hundred and twenty days) in preferring the above-captioned appeal in respect of judgment dated 27.09.2024 passed by the learned Commercial Court.
2. The above-captioned appeal was filed on 28.04.2025 and it is apparent that the delay in filing the present appeal exceeds 120 days. The stipulated period of 60 days for filing the appeal expired on 27.11.2024. The present appeal has been filed after a delay of more than five months after expiry of the period of limitation for filing the above-captioned appeal. The only explanation furnished by the appellant for the inordinate delay is that it was engaged in negotiations for amicable settlement with the respondent. The appellant claims that the settlement negotiations were continuing till 11.04.2025, however, the same failed as the respondent did not sign further documents.

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3. We are unable to accept that protracted negotiations between the parties would furnish the appellant sufficient cause which prevented it from filing the present appeal.

4. We consider it apposite to refer to the decision of the Supreme Court in ***Government of Maharashtra (Water Resources Department) Represented by Executive Engineer v. Borse Brothers Engineers and Contractors Pvt Ltd.: (2021) 6 SCC 460***. The relevant extract of the said decision is set out below: -

“58. Given the object sought to be achieved under both the Arbitration Act and the Commercial Courts Act, that is, the speedy resolution of disputes, the expression “sufficient cause” is not elastic enough to cover long delays beyond the period provided by the appeal provision itself. Besides, the expression “sufficient cause” is not itself a loose panacea for the ill pressing negligent and stale claims...

* * *

63. Given the aforesaid and the object of speedy disposal sought to be achieved both under the Arbitration Act and the Commercial Courts Act, for appeals under section 37 of the Arbitration Act that are governed by Articles 116 and 117 of the Limitation Act or Section 13(1-A) of the Commercial Courts Act, a delay beyond 90 days, 30 days or 60 days, respectively, is to be condoned by way of exception and not by way of rule....”

5. There are strict timelines that have been imposed on the matters relating to commercial disputes and it would be debilitating to the legislative intent if inordinate delays are countenanced by taking an overly liberal view in interpreting the expression ‘sufficient cause’ in the context of matter involving commercial disputes.

6. The application is, accordingly, dismissed.

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RFA(COMM) 281/2025 and CM APPLs. 28529-31/2025

7. Consequently, the appeal is dismissed as well. Other pending applications are also disposed of.

VIBHU BAKHRU, J

TEJAS KARIA, J

MAY 09, 2025/tr

Click here to check corrigendum, if any

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