$~16

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision : 04.12.2025*

\+ **FAO (COMM) 252/2025 & CM APPL. 56192/2025**

SATYA PAL SINGH .....Appellant

Through: Mr. Asif Ali and Mohd. Aarif, Advocates

versus

M/S GLOBE COMMODITIES LIMITED .....Respondent

Through: Mr. S. S. Sobti, Ms Sakshi Bhalla and Ms Ayushi Bansal, Advocates

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO
HON'BLE MR. JUSTICE VINOD KUMAR

VINOD KUMAR, J. (ORAL)

1. By way of the present appeal under Section 37 of the Arbitration and Conciliation Act, 1996 (hereafter, "the Act"), the Appellant seeks to challenge the judgment dated 29.04.2024 passed by learned District Judge (Commercial)-02, South-East District, Saket Courts, New Delhi in *OMP (COMM) 18/2018*, titled as *Satyapal Singh v. Globe Commodities Limited.* The Impugned judgment was passed on a petition under Section 34 of the Act impugning the arbitral award dated 31.08.2018 passed by the Sole Arbitrator.

2. The brief background of the present case is that the Appellant, invested in the stock market, opened a trading account in January 2017 and deposited a sum of Rs.4,00,000/- with the Respondent. According to the Appellant, Respondent had assured him that trades would only be executed with his express consent and that daily trade confirmations would be furnished. However, the Respondent carried out unauthorized trades in his account, resulting in the complete loss of his investment.

3. As per the Appellant, the authorisation document relied upon by the respondent is fabricated. He further submits that the Respondent failed to comply with SEBI and MCX regulatory requirements and did not provide requisite trading confirmations and margin reports for F&O transactions. The Appellant also alleged that his signatures were obtained on incomplete documents at the time of onboarding, enabling unauthorised trading activity. The Appellant filed a complaint dated 05.04.2018 with the Multi Commodity Exchange of India (MCX). Vide order dated 25.04.2018, a member of Investors Grievances Redressal Committee (IGRC) admitted the claim of the appellant for Rs. 2,92,432/-.

4. Thereafter, the respondent invoked arbitration challenging the IGRC order. The Sole Arbitrator, vide award dated 31.08.2018, set aside the IGRC order and allowed the respondent's claim.

5. Aggrieved thereby, the appellant instituted a petition under Section 34 of the Act, before the District Judge (Commercial Court-02), South-East District on 16.11.2018. Upon consideration of the material on record, Learned District Judge dismissed the petition vide order dated 29.04.2024.

6. Aggrieved by the order dated 29.04.2024 the appellant filed the present appeal under section 37 of the Act on 02.09.2025 i.e. after delay of 421 days. Along with this appeal, the appellant has filed an application CM APPL. 56192/2025 praying that the delay in filing appeal should be condoned.

7. Having heard the submissions of learned counsel for both the parties and upon a careful perusal of the record, this court now proceeds to address the question as to whether the appellant has demonstrated a sufficient cause to warrant condonation of the inordinate delay.

8. This application has been filed by the appellant seeking condonation of a delay of 421 days in filing the present appeal on the grounds that the applicant was ill and diagnosed with prostate cancer in September 2024. The material averment, contained in the application for condonation of delay, reads as follows:

> *"2. That the appellant is a most Senior Citizen (aged about 74years) of this Country. After passing the impugned order, the appellant faced urinary problems and thereafter due diagnosed he deducted prostate cancer in the month of September 2024. Thereafter his Robotic Surgery has also conducted at Apollo Hospital, New Delhi and the appellant was not in position to move the Court for the purpose of filing the present appeal. Hence the*

appellant faced bitter health issues rights after some time from the date of impugn order, so the present appeal could not have filed within prescribed time and the same is being proffering with a delay of 421 days."

9. Learned counsel for the respondent opposed the application stating that it is not a justified reason to condone such a long delay.

10. As per Section 13(1A) of the Commercial Courts Act, 2013, an appeal can be filed within a period of sixty days from the date of the judgment. The Impugned Judgment by the learned District Judge was delivered on 29.04.2024 and therefore the last date for filing the appeal was 28.06.2024. However, the present appeal came to be filed on 02.09.2025, much beyond the statutory period, accounting to a delay of 421 days. The computation is set out herein below:

Event	**Date**	**Remarks**
Impugned Judgment passed by the learned District Judge	29.04.2024	Starting point of limitation
Expiry of 60 days limitation	28.06.2024	Last date of filing of filing the appeal.
Actual date of filing	02.09.2025	421 days beyond expiry of limitation.

11. Under Section 37(1)(c) of the Act, an appeal lies against an order either setting aside or refusing to set aside an arbitral award. The limitation for filing such an appeal is, however, not prescribed under the Act itself, but is governed by Section 13 of the Commercial Courts Act, 2015, which stipulates limitation

period of 60 days for filing the appeal from the date of the impugned judgment or order. Further, through judicial interpretation, the applicability of the Limitation Act, 1963 to proceedings under Section 37 has also been recognised, thereby clarifying that the statutory timelines for filing an appeal are to be construed strictly in consonance with the framework of the Commercial Courts Act, 2015 and the Limitation Act, 1963. The Supreme Court in ***Government of Maharastra (Water Resources Department) Represented by Executive Engineer V. Borse Brothers Engineers & Contractors Pvt. Ltd. (2021) 6 SCC 460*** dated 19.03.2021 has discussed the period within which an appeal can be filed under Section 37 of the Act and has also delved the principle for condonation of delay under Section 5 of the limitation Act, 1963 as applicable to appeals under section 37 of the Act as well as under section 13 of the Commercial Courts Act, 2015. The relevant portion from the said judgment is being reproduced here:

> *"23. Section 37 of the Arbitration Act, when read with Section 43 thereof, makes it clear that the provisions of the Limitation Act will apply to appeals that are filed under Section 37. This takes us to Articles 116 and 117 of the Limitation Act, which provide for a limitation period of 90 days and 30 days, depending upon whether the appeal is from any other court to a High Court or an intra High Court appeal. There can be no doubt whatsoever that Section 5 of the Limitation Act will apply to the aforesaid appeals, both by virtue of Section 43 of the Arbitration Act and by virtue of Section 29(2) of the Limitation Act.*
> *24. This aspect of the matter has been set out in the concurring judgment of Raveendran, J. in Consolidated Engg., as follows: (SCC pp. 188-90, paras 40-43)*

"40. Let me next refer to the relevant provisions of the Limitation Act. Section 3 of the Limitation Act provides for the bar of limitation. It provides that subject to the provisions contained in Sections 4 to 24 (inclusive), every suit instituted, appeal preferred, and application made after the prescribed period shall be dismissed although limitation has not been set up as a defence. "Prescribed period" means that period of limitation computed in accordance with the provisions of the Limitation Act. "Period of limitation" means the period of limitation prescribed for any suit, appeal or application by the Schedule to the Limitation Act [vide Section 2(j) of the said Act].

Section 29 of the Limitation Act relates to savings. Sub-section (2) thereof which is relevant is extracted below:

29. (2) Where any special or local law prescribes for any suit, appeal or application a period of limitation different from the period prescribed by the Schedule, the provisions of Section 3 shall apply as if such period were the period prescribed by the Schedule and for the purpose of determining any period of limitation prescribed for any suit, appeal or application by any special or local law, the provisions contained in Sections 4 to 24 (inclusive) shall apply only insofar as, and to the extent to which, they are not expressly excluded by such special or local law.

41. Article 116 of the Schedule prescribes the period of limitation for appeals to the High Court (90 days) and appeals to any other court (30 days) under the Code of Civil Procedure, 1908. It is now well settled that the words "appeals under the Code of Civil Procedure, 1908" occurring in Article 116 refer not only to appeals preferred under the Code of Civil Procedure, 1908, but also to appeals, where the procedure for filing of such appeals and powers of the court for dealing with such appeals are governed by the Code of Civil Procedure. (See decision of the Constitution Bench in Vidyacharan Shukla v. Khubchand Baghel13.) Article 119(b) of the Schedule prescribes the period of limitation for filing an application (under the Arbitration Act, 1940), for setting aside an award, as thirty days from the date of service of notice of filing of the award.

42. The Arbitration and Conciliation Act is no doubt, a special law. consolidating and amending the law relating to arbitration and matters connected therewith or *incidental thereto. The Arbitration and Conciliation Act does not prescribe the period of limitation, for various proceedings under that Act, except where it intends to prescribe a period different from what is prescribed in the Limitation Act. On the other hand, Section 43 makes the provisions of the Limitation Act, 1963 applicable to proceedings -both in court and in arbitration under the Arbitration and Conciliation Act. There is also no express exclusion of application of any provision of the Limitation Act to proceedings under the Arbitration and Conciliation Act, but there are some specific departures from the general provisions of the Limitation Act, as for example, the proviso to Section 34(3) and sub-sections (2) to (4) of Section 43 of the Arbitration and Conciliation Act.*

43. Where the Schedule to the Limitation Act prescribes a period of limitation for appeals or applications to any court, and the special or local law provides for filing of appeals and applications to the court, but does not prescribe any period of limitation in regard to such appeals or applications, the period of limitation prescribed in the Schedule to the Limitation Act will apply to such appeals or applications and consequently, the provisions of Sections 4 to 24 will also apply. Where the special or local law prescribes. for any appeal or application, a period of limitation different from the period prescribed by the Schedule to the Limitation Act, then the provisions of Section 29(2) will be attracted. In that event, the provisions of Section 3 of the Limitation Act will apply, as if the period of limitation prescribed under the special law was the period prescribed by the Schedule to the Limitation Act, and for the purpose of determining any period of limitation prescribed for the appeal or application by the special law, the provisions contained in Sections 4 to 24 will apply to the extent to which they are not expressly excluded by such special law. The object of Section 29(2) is to ensure that the principles contained in Sections 4 to 24 of the Limitation Act apply to suits, appeals and applications filed in a court under special or local laws also, even if it prescribes a period of limitation different from what is prescribed in the Limitation Act, except to the extent of express exclusion of the application of any or all of those provisions." (emphasis in original)s

25. When the Commercial Courts Act is applied to the aforesaid appeals, given the definition of "specified value" and the provisions contained in Sections 10 and 13 thereof, it is clear that it is only when the specified value is for a sum less than three lakh rupees that the appellate provision contained in Section 37 of the Arbitration Act will be governed, for the purposes of limitation, by Articles 116 and 117 of the Limitation Act. Shri Deshmukh's argument that depending upon which court decides a matter, a limitation period of either 30 or 90 days is provided, which leads to arbitrary results, and that, therefore, the uniform period provided by Article 137 of the Limitation Act should govern appeals as well, is rejected.

33. The bulk of appeals, however, to the appellate court under Section 37 of the Arbitration Act, are governed by Section 13 of the Commercial Courts Act. Sub-section (1-A) of Section 13 of the Commercial Courts Act provides the forum for appeals as well as the limitation period to be followed, Section 13 of the Commercial Courts Act being a special law as compared with the Limitation Act which is a general law, which follows from a reading of Section 29(2) of the Limitation Act. Section 13(1-A) of the Commercial Courts Act lays down a period of limitation of 60 days uniformly for all appeals that are preferred under Section 37 of the Arbitration Act. [As held in BGS SGS SOMA JV v. NHPC Ltd., (2020) 4 SCC 234, whereas Section 37 of the Arbitration Act provides the substantive right to appeal, Section 13 of the Commercial Courts Act provides the forum and procedure governing the appeal (see para 13).]

34. The vexed question which faces us is whether, first and foremost, the application of Section 5 of the Limitation Act is excluded by the scheme of the Commercial Courts Act, as has been argued by Dr George. The first important thing to note is that Section 13(1-A) of the Commercial Courts Act does not contain any provision akin to Section 34(3) of the Arbitration Act. Section 13(1A) of the Commercial Courts Act only provides for a limitation period of 60 days from the date of the judgment or order appealed against, without further going into whether delay beyond this period can or cannot be condoned.

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 of pressing negligent and state 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 filed 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. In a fit case in which a party has otherwise acted bona fide and not in a negligent manner, a short delay beyond such period can, in the discretion of the court, be condoned, always bearing in mind that the other side of the picture is that the opposite party may have acquired both in equity and justice, what may now be lost by the first party's inaction, negligence or laches.

12. In the above mentioned case, the Supreme Court declined to condone a delay of 227 days in filing the appeal beyond the period of 60 days provided by the Commercial Courts Act, 2013.

13. The Supreme Court also held that only a short delay in filing the appeal should be condoned because the objective to be achieved under the Arbitration and Conciliation Act, 1996 and the Commercial Courts Act, 2015 is speedy resolution of disputes. Therefore, in the appeals under these Acts, the expression 'sufficient cause' cannot be allowed to be made so flexible so as to cover long delays beyond the prescribed period.

14. In support of his submissions, the appellant has filed a medical report dated 11.11.2024 which mentions that the patient has been recently diagnosed as a case of adenocarcinoma

prostate. In the application itself (relevant portion of which had already been reproduced), the appellant has stated that he was diagnosed with prostate cancer in September 2024. He has not explained as to why the appeal was not filed during the period of limitation i.e. from 29.04.2024 till 28.06.2024. No medical record relatable to this period has been produced by the Appellant which may justify his submissions. There is nothing on record to show as to whether, during the said period, the appellant remained hospitalised or was under such a health condition that he could not approach his counsel to file the appeal in time.

15. Therefore, the appellant cannot be allowed to take shelter of a disease which was detected on 11.11.2024. Accordingly the application for condonation of delay is dismissed. Consequent thereto, the appeal under Section 37 of the Act is also dismissed.

16. Pending applications, if any, are also disposed of.

VINOD KUMAR, J

V. KAMESWAR RAO, J

DECEMBER 4, 2025
ha/sg