



2025:DHC:10227-DB



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

Date of decision: 19.11.2025

+ **FAO (COMM) 327/2025**

DR BABA SAHEB AMBEDKAR HOSPITAL (GNCTD)

.....Appellant

Through: Mr.S. K. Sangwan, Adv.

versus

M/S INNOVISION LIMITED

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

CM APPL. 72439/2025 (Exemption)

1. Allowed, subject to all just exceptions.

CM APPL. 72440/2025

2. This application seeks condonation of 71 days' delay in re-filing the appeal.

3. For the reasons stated in the application, the delay of 71 days in re-filing the appeal is condoned.

4. The application is disposed of.

CM APPL. 72437/2025

5. This application has been filed by the appellant, seeking condonation of delay of 242 days in filing of the present appeal under



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Section 37 of the Arbitration and Conciliation Act, 1996 (hereinafter referred as the, ‘Act’) read with Section 13 (1A) of the Commercial Courts Act, 2015, challenging the Order dated 07.10.2024, passed by the learned District Judge (Commercial Court)-02, New Delhi District, Patiala House Courts, New Delhi (hereinafter referred to as the ‘Trial Court’) in OMP (COMM) No. 88/2023, titled ***Dr. Baba Saheb Ambedkar Hospital v. M/s Innovision Limited***.

6. The above-captioned appeal was filed on 05.08.2025, and it is apparent that the delay in filing the present appeal exceeds 242 days. The stipulated period of 60 days for filing the appeal expired on 06.12.2024. The present appeal has been filed after a delay of more than 7 months and 30 days from the expiry of the period of limitation for filing the above-captioned appeal.

7. The only ground urged in the application is that an opinion was being sought from the Department of Law and Justice for filing the appeal, and thereafter, the matter was resubmitted for further clarifications.

8. We have considered the reasons for the delay given in the application as also the submissions made by the learned counsel for the appellant.

9. The present appeal, as noted hereinabove, is under the Arbitration and Conciliation Act, 1996, which, under Section 34(3) of the Act, prescribes a strict timeline for challenging an Arbitral Award. Though the same strict timeline may not apply to an appeal under Section 37 of the Act, in our view, accepting the plea of the appellant to condone this substantial delay of 242 days would defeat the very



object of the Act and the strict timeline stipulated therein as well as under the Commercial Courts Act, 2015.

10. 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, held as under: -

“ 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 stale claims....

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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....”

11. Strict timelines have been imposed in matters relating to commercial disputes, and it would defeat the legislative intent if inordinate delays are condoned by taking an overly liberal view of the expression “sufficient cause” in the context of such matters.

12. Accordingly, we find no merit in the application, and the same is dismissed.



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13. In view of the Order passed in CM APPL. 72437/2025, the appeal, along with the pending application, is dismissed as being barred by limitation.

NAVIN CHAWLA, J

MADHU JAIN, J

NOVEMBER 19, 2025/sg/DG

Signature Not Verified

Digitally Signed By: REYMON VASHIST
Signing Date: 22.11.2025
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