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

+ **RFA(COMM) 141/2025 and CM APPL. 14707-10/2025**

UNION BANK OF INDIA

.....APPELLANT

Through: Mr Keshav Kumar, Advocate.

versus

ANUJ AGARWAL & ANR.

.....RESPONDENTs

Through: None.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

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25.03.2025

CM APPLs. 14707/2025 (Delay in filing) and 14710/2025 (Delay in re-filing)

1. The appellant has filed the present appeal impugning an order dated 30.04.2024 whereby the suit filed by the appellant being CS(COMM) 553/2023 captioned *Union Bank of India v. Anuj Agarwal* was dismissed as barred by limitation.
2. The appellant had filed the aforesaid suit seeking a decree for recovery of a sum of ₹13,31,069/- along with *pendente lite* and future interest. The said loan was disbursed by the appellant to M/s Amrapali Leisure Valley Pvt. Ltd. [**the builder**] as the respondents had booked a flat/property in a project being developed by the said entity [Amrapali Leisure Valley Pvt. Ltd.]. The appellant had acknowledged that the said loan account had become a non-performing asset [NPA] on 19.09.2017 and the last payment made by the respondents was on 20.11.2017. In the given facts, the learned Commercial Court held that the cause of action had last



arisen on 20.11.2017 and since the suit was filed on 20.12.2023 which was beyond the period of three years from the cause of action, the same was barred by limitation.

3. The appellant has filed the present application seeking condonation of delay of 143 days in filing the present appeal and further delay of 36 days in refiling the above-captioned appeal. The only reason set out in the application for explaining that there was sufficient cause which prevented the appellant from filing the present appeal in time is that the authorized representative of the appellant bank was required to obtain permission from higher authorities which took some time. The application filed by the appellant does not explain each day of the delay and is bereft of any particulars as to when permissions were sought from the higher authorities; from which authorities; and when were such permissions granted.

4. In ***Government of Maharashtra (Water Resources Department) Represented By Executive Engineer v. Borse Brothers Engineers and Contractors Pvt. Ltd.: (2021) 6 SCC 460*** the Supreme Court had observed 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....”

5. It is clear from the above that the expression ‘sufficient cause’ as in the context of condonation of delay in filing an appeal in respect of a commercial dispute cannot be construed liberally. The applicant must establish that there were genuine reasons which prevented filing of the appeal within the prescribed period. The objective of setting out fixed time line is to ensure that the matter relating to the commercial disputes are finally decided expeditiously. Condoning delay by accepting vague explanations would be debilitating to the very object of setting out definite timelines for matters revolving commercial disputes.

6. In the present case, we are unable to accept that the appellant has produced any sufficient cause to explain the delay in filing the present appeal considering that the period of delay exceeds the time available for filing the appeal by more than twice over. The applications for seeking delay are, accordingly, dismissed.

RFA(COMM) 141/2025 and CM APPLs. 14708-09/2025

7. Consequently, the appeal is dismissed. The pending applications shall also stand disposed of.

VIBHU BAKHRU, J

TEJAS KARIA, J

MARCH 25, 2025/tr

Click here to check corrigendum, if any