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

\+ RFA(COMM) 345/2025, CM APPL. 35836/2025 & CM APPL. 35837/2025

SAIFI CONVEYOR SYSTEM .....Appellant

Through: Mr. Vikrant Sharma, Adv.
Mr. Amit Nahata, Adv.

versus

SANDEEP GUPTA .....Respondent

Through: Mr. Anil Kumar, Adv.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER (ORAL)

% **03.02.2026**

C. HARI SHANKAR, J.

1. There is a delay of 253 days in re-filing of the present appeal. In commercial matters, this Court has held, in ***Casablanca Apparels Pvt. Ltd. v. Polo/Lauren Company LP***[1] that delay in re-filing has also to be properly explained. Besides, in ***Government of Maharashtra v. Borse Brothers Engineers & Contractors Pvt Ltd***[2]**,** the Supreme Court has held that Courts have to adopt an extremely strict approach while dealing with applications for condonation of delay.

2. No doubt, delay in re-filing may be entitled to greater latitude than delay in filing, but there has nonetheless be a semblance of an explanation in the application even for this Court to be expansive in that regard.

[1] **2025 SCC OnLine Del 5191**
[2] **(2021) 6 SCC 460**

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3. The only explanation for the delay of 253 days in re-filing the appeal as contained in CM Appl. 35837/2025 is as under:

> "3. That the Appellant humbly submits that the objections were marked on 30.08.2024. That the Appellant submits that *there was a certain delay in obtaining certain relevant information* from the Appellant. Meanwhile, *there was communication* between the Appellant and the previous Counsel in regard to filing of the Appeal and *due to poor financial condition* of the Appellant, he could not follow up with the earlier advocate, which occasioned further more delay.
>
> 4. It is only in the end of March 2025 only, the present Advocate has been engaged, who after going through the appeal and the accompanying relevant documents, the present appeal is being re-filed through efiling credentials of the previous advocate.
>
> 5. That certain delay occurred in re-filing the present appeal, however, the same was neither intentional nor deliberate."

4. These paragraphs, to our mind, do not make out any case for condonation of delay in re-filing the present appeal within the parameters envisaged by the Supreme Court in its judgment in ***Borse Brothers.*** There is no mention of the "certain relevant information" which had to be obtained, or why that took time. The time for obtaining the information is not disclosed. The purported communication with the previous Counsel is not placed on record, nor are its details disclosed. No material, disclosing the final condition of the appellant, is forthcoming. Nor is there any explanation as to why the financial condition of the appellant prevented it from "following up" with the previous Counsel.

5. We, therefore, find no merit in the application for condonation of delay in re-filing the appeal. The application for condonation of delay is, therefore, dismissed.

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6. Resultantly, the appeal is also dismissed on the ground of delay without going into merits.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

FEBRUARY 3, 2026*/aky*

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