



2026:DHC:4469-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO (COMM) 233/2025, CM APPLs. 52264/2025, 52265/2025 & 52266/2025**

DELHI DEVELOPMENT AUTHORITYAppellant

Through: Mr. Rajeev Lochan Mahunta,
Mr. Sahil S Panwar and Mr. Rahul, Advs.

versus

**M/S INTEGRATED TECHNO
SYSTEMS PVT LTD**Respondent

Through: Mr. Vijay Kumar, AR and
Mr. Sandeep Singh Mahar, Adv.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

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15.05.2026

C. HARI SHANKAR, J.

CM APPLs. 52265/2025 & 52266/2025 (for delay)

1. We have heard learned Counsel for the appellant as well as the respondent, who appears in person, on the aspect of delay in filing and refiling of the present FAO (COMM) 233/2025.

2. It is settled, by now, that in commercial matters, Courts have to be extremely strict while dealing with applications for condonation of delay. Moreover, the present case emanates from an arbitral award in which case the Court has to be additionally circumspect, keeping in mind the requirement of ensuring expeditious finality to arbitral proceedings.

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3. We may reproduce, in this context, the following passages from *Government of Maharashtra v. Borse Brothers Engineers & Contractors Pvt. Ltd*¹:

“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.”

The principle that high value commercial disputes are required to be speedily resolved and that, therefore, Courts have to be circumspect in condoning delay, was also reiterated in *Jharkhand Urja Utpadan Nigam v. BHEL*².

4. Additionally, the Supreme Court has, in *Shivamma v. Karnataka Housing Board*³, held that administrative lethargy and laxity by State instrumentalities and public functionaries cannot be ignored by Courts while considering applications for condonation of delay.

5. We have, therefore, examined this matter keeping in mind this perspective.

¹ (2021) 6 SCC 460
² 2025 SCC OnLine SC 910



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6. This appeal arises out of a judgment dated 16 July 2024 passed by the learned District Judge (Commercial Court-02) North-West District Rohini Courts⁴, in OMP (Comm) 77/2023, preferred by the respondent under Section 34(2) of the Arbitration and Conciliation Act, 1996⁵.

7. The learned Commercial Court has, by the said decision, rejected the objection to the arbitral award and upheld the award in its entirety. The Section 34 petition of the appellant was, therefore, dismissed.

8. The time for filing the appeal against the aforesaid decision, under Section 37 of the 1996 Act expired on 14 September 2024. The appeal, however, came to be filed on 23 November 2024. Thereafter, it was taken back with objections on 28 November 2024 and refiled on 20 August 2025.

9. Two periods of delay, therefore, are to be explained. The first is that the delay between 14 September 2024 to 23 November 2024, which would constitute delay in filing the appeal. The second is the period between 28 November 2024 to 20 August 2025, which constitutes the delay in refiling the appeal.

10. The appellant has filed CM APPL. 52265/2025 for condonation of the former and CM APPL. 52266/2025 for condonation of the latter period of delay.

³ 2025 SCC OnLine SC 1969

⁴ “learned Commercial Court”

⁵ “the 1996 Act”, hereinafter



11. Insofar as the delay in filing is concerned, the explanation, tendered in the application, reads as under:

“6. That after the impugned order dated 16.07.2025 was passed, the legal file pertaining to the matter was returned by the Appellant- DA’s District Court Panel Lawyer on 05.08.2024, along with his opinion. Thereafter, the Chief Legal Advisor of the Appellant-DDA after internal deliberations within the Legal Department, recommended challenging the said judgment on 01.09.2024. Thereafter, the file was put up before the Arbitration Scrutiny Board (ASB) of the Appellant-DDA to take the final call with respect to challenge to the Order dated 16.07.2024.

Accordingly, the ASB, in its 897th meeting held on 04.10.2024, decided to challenge the said Order/Judgment, before this Hon’ble Court.

7. That thereafter, the matter was entrusted to the present Panel Lawyer on 11.10.2024 to prefer an appeal before this Hon’ble Court. Further, on 16.10.2024, some of the files pertaining to the matter were received by the present Panel Lawyer in last week of the October 2024. Thereafter, post Diwali Vacations i.e., 29.10.2024 to 03.11.2024, series of meetings were convened with the concerned Engineers, so as to understand the matter. After conducting the said meetings, it was requested by the present Panel Lawyer to provide the complete Legal file pertaining to the matter, as in the meantime an Execution Petition had also been filed by the Respondent herein. Thereafter, earnest efforts were put in to peruse the complete legal file, which was voluminous in nature and consisted of about 3500 pages.

8. That after perusing the complete case records and after consultations with respective officers/engineers of the Appellant-DDA, the Appeal was filed on 23.11.2024, with an intention to get the matter listed as soon as possible. It is pertinent to be mention herein that, the Appellant-DDA, being a government department, has established standard operating procedures, and any decision is arrived at after consulting the various departments within the Appellant-DDA, such as the Technical, Legal, Finance etc, and the same involves the file being transmitted from one desk to another, which, despite diligence and best efforts, takes considerable amount of time.”

12. The explanation in paragraph 6 of the application as extracted

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FAO (COMM) 233/2025



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above falls woefully short of what is required in law in light of the decisions in *Borse Brothers* and *Jharkhand Urja Utpadan Nigam*. The impugned order was passed on 16 July 2024; the file is stated to have been returned by the lawyer to the DDA on 5 August 2024, i.e., after three weeks; the Chief Legal Advisor of the DDA recommended challenging the judgment on 1 September 2024, i.e., after almost a month; the file was thereafter put up to the ASB of the DDA to take a call, of which the date is not mentioned and the ASB of the DDA took a call on 4 October 2024 which was more than a month after the advice of the Chief Legal Advisor. There is, therefore, no explanation as to why the panel lawyer took three weeks to return the file to the DDA with his advice, the Chief Legal Advisor of the DDA took almost a month thereafter to give a recommendation to challenge the award and the ASB took more than a month thereafter to confirm the decision to challenge the award.

13. Even after the decision of the ASB, it is stated that the matter was entrusted to the panel lawyer on 11 October 2024, and the case came to be filed ultimately on 23 November 2024. For this period, it is stated that between 29 October 2024 and 3 November 2024, the Court was closed for Diwali. There is no explanation for the delay between 16 October 2024 and 29 October 2024 or 3 November 2024 and 23 November 2024 except to state that the file was voluminous.

14. Keeping in mind the standards laid down by the Supreme Court in the judgements cited *supra*, we regret that we are unable to regard the explanation as sufficient to condone the delay in filing the appeal.



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15. In so far as the delay in re-filing the appeal is concerned, the application has set out various personal exigencies which faced the Counsel for the appellant and which, therefore, impeded the re-filing of the appeal. Even as per the application, these exigencies came to an end on 20 May 2025. There is no explanation worth the name for the delay between 20 May 2025 and 20 August 2025, for re-filing the appeal.

16. It is also settled that, in commercial matters, delay in re-filing has also to be treated with nearly with same seriousness as delay in filing.

17. Keeping in view the aforesaid, we regret that we are not in a position to come to the aid of the appellant and condone the delay in filing and re-filing of the appeal.

18. CM APPL. 52265/2025 and CM APPL. 52266/2025 are therefore dismissed.

19. FAO (COMM) 233/2025 also therefore stands dismissed on the ground of delay without going into merits.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

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