HC-KAR

NC: 2026:KHC:14004-DB
COMAP No.233/2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

COMMERCIAL APPEAL NO.233/2025

Digitally signed by ARSHIFA BAHAR KHANAM
Location: HIGH COURT OF KARNATAKA

BETWEEN:

UNION OF INDIA
REP. BY THE
SRI. PREM RANJAN KUMAR
CHIEF ENGINEER, SOUTH RAILWAY
PARK TOWN, CHENNAI 600003.

...APPELLANT

(BY SRI. B.S. VENKATANARAYANA, CGC)

AND:

MALU SLEEPERS LIMITED
(FORMERLY MALU SLEEPERS PVT. LTD.)
NO.8, II FLOOR, I MAIN ROAD
GANDHINAGAR, BENGALURU - 560 009
REPRESENTED BY ITS DIRECTOR.

...RESPONDENT

THIS COMAP/COMMERCIAL APPEAL IS FILED UNDER SECTION 13 (1-A) OF COMMERCIAL COURTS ACT, PRAYING TO CALL FOR RECORDS IN COM.A.P.NO.56/2023 ON THE FILE OF LXXXVII ADDITIONAL CITY CIVIL AND SESSION JUDGE, BENGALURU (CCH-88) (COMMERCIAL COURT) AND RECORDS IN A.C.NO.94/2020 ON THE FILE OF LEARNED SOLE ARBITRATOR, ARBITRATION CENTER, BENGALURU. SET ASIDE

THE JUDGMENT DATED 04.07.2024 PASSED BY THE LXXXVII ADDITIONAL CITY CIVIL AND SESSION JUDGE, BENGALURU (CCH-88) IN COM.AP NO.56/2023 & ETC.

THIS COMAP HAVING BEEN HEARD AND RESERVED ON 25.02.2026, COMING ON FOR PRONOUNCEMENT OF JUDGMENT, THIS DAY ***VIJAYKUMAR A. PATIL J.,*** DELIVERED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL)

This appeal is filed by the appellant-plaintiff under Section 13(1-A) of the Commercial Courts Act, 2015 (hereinafter referred to as 'the Act'), challenging the judgment and decree dated 04.07.2024 passed in Com.A.P.No.56/2023 by the LXXXVII Additional City Civil and Sessions Judge, Bengaluru (CCH-88) (hereinafter referred to as the 'Commercial Court').

2. The appellant filed an application before the Commercial Court under Section 34 of the Arbitration and Conciliation Act, 1996, seeking to set aside the arbitral

award passed by the Sole Arbitrator dated 23.06.2022 in A.C.No.94/2020. The Commercial Court, after considering the material on record, proceeded to dismiss the same. Being aggrieved, the present appeal is filed along with an application in I.A.No.1/2025 under Section 5 of the Limitation Act, 1963, seeking condonation of delay of 220 days in filing the appeal.

3. Sri.B.S.Venkatanarayana, learned Central Government counsel appearing for the appellant submits that one-S.Rathi, Deputy Chief Engineer, Southern Railway has filed an affidavit and an additional affidavit on behalf of the appellant along with an application seeking for condonation of delay. It is submitted that the impugned order is passed beyond the scope of jurisdiction and the same is also in conflict with the public policy, which is required to be considered on merits. It is further submitted that the delay in filing this appeal is due to the necessary administrative approvals that were to be obtained by the appellant, which is *bona fide* in nature.

Hence, he seeks to condone the delay of 220 days in filing the application and seeks to hear the matter on merits.

4. We have heard the arguments of the learned counsel appearing for the appellant and perused the material available on record. We have given our anxious consideration to the submissions advanced, judgments relied and the material on record.

5. The point that arises for our consideration in this appeal is

> **"*Whether the appellant has shown "sufficient cause" to condone the delay of 220 days in filing the appeal*?"**

6. The answer to the above point is in the negative for the following reasons:

a) Before considering the cause shown by the appellant seeking for condonation of delay of 220 days, it would be useful to refer to the decisions of the Hon'ble Supreme Court on the subject. In the case of ***JHARKAND***

URJA UTPADAN NIGAM LTD. AND ANOTHER VS. BHARAT HEAVY ELECTRICALS LIMITED[1] at paragraphs 20 and 21, the Hon'ble Supreme Court has held as under:

> ***"20.*** *xxxx*
>
> *"19.xxxx*
>
> *27. We shall next consider whether the delay of 301 days in filing this Commercial Appeal can be condone in exercise of power conferred on this Court under Section 5 of the Limitation Act, 1963.*
>
> *28. The extent of applicability of Section 5 of the Limitation Act, 1963 to cases falling under the Commercial Courts Act, 2015 fell for consideration of the Supreme Court in* Government of Maharashtra *(2 supra).*
>
> *29. The Supreme Court in Para 19 of it's judgment in* Government of Maharashtra *(2 supra) discussed the statement of objects and reasons behind enacting of the Commercial Courts Act, 2015 and held that period of limitation must always to some extent be arbitrary and may result in some hardship, but this is no reason as to why they should not be strictly followed.*
>
> *In para 32, it held that the condonation of delay under Section 5 of the Limitation Act, 1963 has to be seen in the context of the object of speedy resolution of the dispute.*
>
> *In para 58, the Supreme Court held that given the object sought to be achieved under the Commercial Courts Act, 2015 i.e., the speedy resolution of the disputes, expression "sufficient cause" in Section 5 of*

[1] 2025 SCC OnLine SC 910

the Limitation Act, 1963 is not elastic enough to cover long delays beyond the period provided by the appeal provision itself; and that the expression "sufficient cause" is not itself a loose panacea for the ill of pressing negligent and stale claims.

In other words, the Supreme Court indicated that in exercise of power under Section 5 of the Limitation Act, 1963 a delay beyond the period of 60 days from the date on which the appeal could have been filed can be condoned (i.e., below 120 days from the date of pronouncement of the judgment) by invoking Section 5 of the Limitation Act, 1963, but where there is negligence, inaction or lack of bona fides, such power ought not to be exercised.

It went further in para 59 by observing that merely because the Government is involved, a different yardstick for condonation of delay cannot be laid down. (This rule would thus apply equally to instrumentalities of Government like the applicants herein).

It held in para 62 that merely because sufficient cause has been made out in the facts of a given case, there is no right in the applicants or the appellants to have the delay condoned.

It concluded in para 63 as under:

> *"63. Given the aforesaid and the object of speedy disposal sought to be achieved both under the Arbitration An and the Commercial Courts Act, for appeals pled under section 37 of the Arbitration Act that are governed by Articles 116 and 117 of the Limitation Act or Section 13(l-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, he 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."*
>
> *(emphasis supplied)*

30. Thus, the Supreme Court in Government of Maharashtra *(2 supra) permitted condonation of delay beyond 60 days in a case falling under the Commercial Courts Act only by way of exception and not by way of rule. If the applicants for condonation of delay had not acted bona fide and had acted in a negligent manner as in the instant case, the delay is not liable to be condoned.*

31. In the instant case, the delay in filing the appeal is 301 days - way beyond 60 days + 60 days = 120 days permitted by the judgment of the Supreme Court to be condoned in exercise of power under Section 5 of the Limitation Act, 1963. Therefore, such inordinate delay caused by negligence of the applicants is not liable to be condoned.

(emphasis supplied)

32. We may also point out that the applicants were represented before the Commercial Court, Ranchi by counsel and the judgment was obviously pronounced in the presence of the counsel.

Though the order was pronounced on 09.10.2023 it appears that the application for issuance of certified copy was made on 30.08.2024, it was made ready on 07.09.2024, and the appeal was filed on 04.10.2024.

If the Commercial Court had not communicated the copy of its judgment to the applicants within the reasonable time, it was incumbent on the part of the counsel for the applicants or the employees in the Legal Department of the applicants to apply for issuance of certified copy from the Commercial Court, but they have failed in their duty to apply for it when they did not receive it within a reasonable time.

Their negligence resulted in the inordinate delay of 301 days in filing this appeal.

33. The applicants cannot blame the respondent for not communicating to them about the disposal of the appeal and for not making any demand of payment in terms of the decree of the Commercial Court.

34. They also cannot take advantage of the negligence of the counsel engaged by them in not informing the applicants about the judgment of the Commercial Court. This is because the applicants have a Legal Department and employees engaged by the applicants in that department have a duty to monitor what is happening in the cases to which the applicants are parties, keep track of the progress of the said cases and the decisions therein, and ensure that applications for issuance of certified copy are made to the concerned court so that the appeals, if required, can be preferred within the period of limitation prescribed by law."

21. *We are in complete agreement with the line of reasoning assigned by the High Court."*

b) In the case of ***GOVERNMENT OF MAHARASHTRA (WATER RESOURCES DEPARTMENT)***

REPRESENTED BY EXECUTIVE ENGINEER Vs. BORSE BROTHERS ENGINEERS AND CONTRACTORS PRIVATE LIMITED[2] at paragraph Nos.58 to 63 it has been 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. This Court, in Basawaraj v. LAO [Basawaraj v. LAO, (2013) 14 SCC 81] , has held : (SCC pp. 85-88, paras 9-15)*
>
> > *"9. Sufficient cause is the cause for which the defendant could not be blamed for his absence. The meaning of the word "sufficient" is "adequate" or "enough", inasmuch as may be necessary to answer the purpose intended. Therefore, the word "sufficient" embraces no more than that which provides a platitude, which when the act done suffices to accomplish the purpose intended in the facts and circumstances existing in a case, duly examined from the viewpoint of a reasonable standard of a cautious man. In this context, "sufficient cause" means that the party should not have acted in a negligent manner or there was a want of bona fide on its part in view of the facts*

[2] (2021) 6 SCC 460

and circumstances of a case or it cannot be alleged that the party has "not acted diligently" or "remained inactive". However, the facts and circumstances of each case must afford sufficient ground to enable the court concerned to exercise discretion for the reason that whenever the court exercises discretion, it has to be exercised judiciously. The applicant must satisfy the court that he was prevented by any "sufficient cause" from prosecuting his case, and unless a satisfactory explanation is furnished, the court should not allow the application for condonation of delay. The court has to examine whether the mistake is bona fide or was merely a device to cover an ulterior purpose. (See Manindra Land & Building Corpn. v. Bhutnath Banerjee [Manindra Land & Building Corpn. v. Bhutnath Banerjee, AIR 1964 SC 1336] , Mata Din v. A. Narayanan [Mata Din v. A. Narayanan, (1969) 2 SCC 770] , Parimal v. Veena [Parimal v. Veena, (2011) 3 SCC 545 : (2011) 2 SCC (Civ) 1] and Maniben Devraj Shah v. Municipal Corpn. of Brihan Mumbai [Maniben Devraj Shah v. Municipal Corpn. of Brihan Mumbai, (2012) 5 SCC 157 : (2012) 3 SCC (Civ) 24] .)

10. In Arjun Singh v. Mohindra Kumar [Arjun Singh v. Mohindra Kumar, AIR 1964 SC 993] this Court explained the difference between a "good cause" and a "sufficient cause" and observed that every "sufficient cause" is a good cause and vice versa. However, if any difference exists it can only be that the requirement of good cause is complied with on a lesser degree of proof than that of "sufficient cause".

*11. The expression "sufficient cause" should be given a liberal interpretation to ensure that substantial justice is done, but only [**Ed.** : The matter between two asterisks has been emphasised in original.] so long as negligence, inaction or lack of bona fides cannot be imputed to the party concerned [**Ed.** : The matter between two asterisks has been emphasised in original.] ,*

whether or not sufficient cause has been furnished, can be decided on the facts of a particular case and no straitjacket formula is possible. (Vide Madanlal v. Shyamlal [Madanlal v. Shyamlal, (2002) 1 SCC 535] and Ram Nath Sao v. Gobardhan Sao [Ram Nath Sao v. Gobardhan Sao, (2002) 3 SCC 195] .)

12. It is a settled legal proposition that law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes. The court has no power to extend the period of limitation on equitable grounds. 'A result flowing from a statutory provision is never an evil. A court has no power to ignore that provision to relieve what it considers a distress resulting from its operation.' The statutory provision may cause hardship or inconvenience to a particular party but the court has no choice but to enforce it giving full effect to the same. The legal maxim dura lex sed lex which means "the law is hard but it is the law", stands attracted in such a situation. It has consistently been held that, "inconvenience is not" a decisive factor to be considered while interpreting a statute.

13. The statute of limitation is founded on public policy, its aim being to secure peace in the community, to suppress fraud and perjury, to quicken diligence and to prevent oppression. It seeks to bury all acts of the past which have not been agitated unexplainably and have from lapse of time become stale. According to Halsbury's Laws of England, Vol. 28, Para 605 p. 266:

> *'605. Policy of the Limitation Acts.—The courts have expressed at least three differing reasons supporting the existence of statutes of limitation, namely, (1) that long dormant claims have more of cruelty than justice in them, (2) that a defendant might have lost the evidence to disprove a stale claim, and (3) that persons with good causes of actions should pursue them with reasonable diligence.'*

An unlimited limitation would lead to a sense of insecurity and uncertainty, and therefore, limitation prevents disturbance or deprivation of what may have been acquired in equity and justice by long enjoyment or what may have been lost by a party's own inaction, negligence or laches. (See Popat & Kotecha Property v. SBI Staff Assn. [Popat & Kotecha Property v. SBI Staff Assn., (2005) 7 SCC 510] , Rajender Singh v. Santa Singh [Rajender Singh v. Santa Singh, (1973) 2 SCC 705] and Pundlik Jalam Patil v. Jalgaon Medium Project [Pundlik Jalam Patil v. Jalgaon Medium Project, (2008) 17 SCC 448 : (2009) 5 SCC (Civ) 907] .)

14. In P. Ramachandra Rao v. State of Karnataka [P. Ramachandra Rao v. State of Karnataka, (2002) 4 SCC 578 : 2002 SCC (Cri) 830] this Court held that judicially engrafting principles of limitation amounts to legislating and would fly in the face of law laid down by the Constitution Bench in Abdul Rehman Antulay v. R.S. Nayak [Abdul Rehman Antulay v. R.S. Nayak, (1992) 1 SCC 225 : 1992 SCC (Cri) 93] .

15. The law on the issue can be summarised to the effect that where a case has been presented in the court beyond limitation, the applicant has to explain the court as to what was the "sufficient cause" which means an adequate and enough reason which prevented him to approach the court within limitation. In case a party is found to be negligent, or for want of bona fide on his part in the facts and circumstances of the case, or found to have not acted diligently or remained inactive, there cannot be a justified ground to condone the delay. No court could be justified in condoning such an inordinate delay by imposing any condition whatsoever. The application is to be decided only within the parameters laid down by this Court in regard to the condonation of delay. In case there was no sufficient cause to prevent a litigant to approach the court on time condoning the delay without any justification, putting any condition

> *whatsoever, amounts to passing an order in violation of the statutory provisions and it tantamounts to showing utter disregard to the legislature."*
>
> *(emphasis supplied)*

59. *Likewise, merely because the Government is involved, a different yardstick for condonation of delay cannot be laid down. This was felicitously stated in Postmaster General v. Living Media (India) Ltd. [Postmaster General v. Living Media (India) Ltd., (2012) 3 SCC 563 : (2012) 2 SCC (Civ) 327 : (2012) 2 SCC (Cri) 580 : (2012) 1 SCC (L&S) 649] ["Postmaster General"], as follows : (SCC pp. 573-74, paras 27-29)*

> *"27. It is not in dispute that the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitation for taking up the matter by way of filing a special leave petition in this Court. They cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings. In the absence of plausible and acceptable explanation, we are posing a question why the delay is to be condoned mechanically merely because the Government or a wing of the Government is a party before us.*
>
> *28. Though we are conscious of the fact that in a matter of condonation of delay when there was no gross negligence or deliberate inaction or lack of bona fides, a liberal concession has to be adopted to advance substantial justice, we are of the view that in the facts and circumstances, the Department cannot take advantage of various earlier decisions. The claim on account of*

impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody, including the Government.

29. In our view, it is the right time to inform all the government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bona fide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red tape in the process. The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for the government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few."

60. *The decision in Postmaster General [Postmaster General v. Living Media (India) Ltd., (2012) 3 SCC 563 : (2012) 2 SCC (Civ) 327 : (2012) 2 SCC (Cri) 580 : (2012) 1 SCC (L&S) 649] has been followed in the following subsequent judgments of this Court:*

(i) State of Rajasthan v. Bal Kishan Mathur [State of Rajasthan v. Bal Kishan Mathur, (2014) 1 SCC 592] at paras 8-8.2;

(ii) State of U.P. v. Amar Nath Yadav [State of U.P. v. Amar Nath Yadav, (2014) 2 SCC 422] at paras 2-3;

(iii) State of T.N. v. N. Suresh Rajan [State of T.N. v. N. Suresh Rajan, (2014) 11 SCC 709 : (2014) 3 SCC (Cri) 529 : (2014) 2 SCC (L&S) 721] at paras 11-13; and

(iv) State of M.P. v. Bherulal [State of M.P. v. Bherulal, (2020) 10 SCC 654 : (2021) 1 SCC (Civ) 101 : (2021) 1 SCC (Cri) 117 : (2021) 1 SCC (L&S) 84] at paras 3-4.

61. *In a recent judgment, namely, State of M.P. v. Chaitram Maywade [State of M.P. v. Chaitram Maywade, (2020) 10 SCC 667 : (2021) 1 SCC (Civ) 111 : (2021) 1 SCC (Cri) 120 : (2021) 1 SCC (L&S) 87] , this Court referred to Postmaster General [Postmaster General v. Living Media (India) Ltd., (2012) 3 SCC 563 : (2012) 2 SCC (Civ) 327 : (2012) 2 SCC (Cri) 580 : (2012) 1 SCC (L&S) 649] , and held as follows : (SCC pp. 668-69, paras 1-5)*

> *"1. The State of Madhya Pradesh continues to do the same thing again and again and the conduct seems to be incorrigible. The special leave petition has been filed after a delay of 588 days. We had an occasion to deal with such inordinately delayed filing of the appeal by the State of Madhya Pradesh in State of M.P. v. Bherulal [State of M.P. v. Bherulal, (2020) 10 SCC 654 : (2021) 1 SCC (Civ) 101 : (2021) 1 SCC (Cri) 117 : (2021) 1 SCC (L&S) 84] in terms of our order dated 15-10-2020.*

2. We have penned down a detailed order in that case and we see no purpose in repeating the same reasoning again except to record what are stated to be the facts on which the delay is sought to be condoned. On 5-1-2019, it is stated that the Government Advocate was approached in respect of the judgment delivered on 13-11-2018 [Chaitram Maywade v. State of M.P., 2018 SCC OnLine MP 1632] and the Law Department permitted filing of the SLP against the impugned order on 26-5-2020. Thus, the Law Department took almost about 17 months' time to decide whether the SLP had to be filed or not. What greater certificate of incompetence would there be for the Legal Department!

3. We consider it appropriate to direct the Chief Secretary of the State of Madhya Pradesh to look into the aspect of revamping the Legal Department as it appears that the Department is unable to file appeals within any reasonable period of time much less within limitation. These kinds of excuses, as already recorded in the aforesaid order, are no more admissible in view of the judgment in Postmaster General v. Living Media (India) Ltd. [Postmaster General v. Living Media (India) Ltd., (2012) 3 SCC 563 : (2012) 2 SCC (Civ) 327 : (2012) 2 SCC (Cri) 580 : (2012) 1 SCC (L&S) 649]

4. We have also expressed our concern that these kinds of the cases are only "certificate cases" to obtain a certificate of dismissal from the Supreme Court to put a quietus to the issue. The object is to save the skin of officers who may be in default. We have also recorded the irony of the situation where no action is taken against the officers who sit on these files and do nothing.

5. Looking to the period of delay and the casual manner in which the application has been worded, the wastage of judicial time involved, we impose costs on the petitioner State of Rs 35,000 to be deposited with the Mediation and Conciliation Project Committee. The amount be deposited within four weeks. The amount be recovered from

> *the officer(s) responsible for the delay in filing and sitting on the files and certificate of recovery of the said amount be also filed in this Court within the said period of time. We have put to Deputy Advocate General to caution that for any successive matters of this kind the costs will keep on going up."*

62. *Also, it must be remembered that merely because sufficient cause has been made out in the facts of a given case, there is no right in the appellant to have delay condoned. This was felicitously put in Ramlal v. Rewa Coalfields Ltd. [Ramlal v. Rewa Coalfields Ltd., (1962) 2 SCR 762 : AIR 1962 SC 361] as follows : (SCR p. 771 : AIR p. 365, para 12)*

> *"12. It is, however, necessary to emphasise that even after sufficient cause has been shown a party is not entitled to the condonation of delay in question as a matter of right. The proof of a sufficient cause is a condition precedent for the exercise of the discretionary jurisdiction vested in the court by Section 5. If sufficient cause is not proved nothing further has to be done; the application for condoning delay has to be dismissed on that ground alone. If sufficient cause is shown then the Court has to enquire whether in its discretion it should condone the delay. This aspect of the matter naturally introduces the consideration of all relevant facts and it is at this stage that diligence of the party or its bona fides may fall for consideration; but the scope of the enquiry while exercising the discretionary power after sufficient cause is shown would naturally be limited only to such facts as the Court may regard as relevant. It cannot justify an enquiry as to why the party was sitting idle during all the time available to it. In this connection we may point out*

> *that considerations of bona fides or due diligence are always material and relevant when the Court is dealing with applications made under Section 14 of the Limitation Act. In dealing with such applications the Court is called upon to consider the effect of the combined provisions of Sections 5 and 14. Therefore, in our opinion, considerations which have been expressly made material and relevant by the provisions of Section 14 cannot to the same extent and in the same manner be invoked in dealing with applications which fall to be decided only under Section 5 without reference to Section 14."*

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."*

c) The Hon'ble Supreme Court, considering the object of the Act, has held that the object of the Act is speedy resolution of disputes, expression "sufficient cause" in Section 5 of the Limitation Act, 1963, is not elastic enough to cover long delays beyond the period provided by the appeal provision itself, and that the expression "sufficient cause" is not itself a loose panacea for the ill of pressing negligent and stale claims. In commercial matters, the condonation of delay should not be done in a routine manner, and it should be an exception on showing sufficient cause for the delay. In a fit case, in which a party 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 equity and justice what may now be lost by the first party's inaction, negligence, or latches.

d) Keeping in mind the enunciation of law laid down by the Hon'ble Supreme Court, it is clear that scope for condoning the delay under the Act is very limited. In the instant case, the affidavit filed along with the application for condonation of delay clearly mentions that the appellant received the certified copy of the impugned judgment on 07.08.2024 and it is also noticed that the current appeal is filed on 18.04.2025. The affidavit indicates that on receipt of the certified copy of the impugned order, the same was sent for legal opinion and also obtained necessary administrative approvals. The said statement in the affidavit is a casual statement and without any supporting material. The affidavit is not forthcoming as to what were the necessary approvals required to be obtained before filing the appeal or any other aspect to explain the delay caused in filing the appeal. The appellant has also filed an additional affidavit to explain the delay in filing the appeal. A perusal of the said additional affidavit claims to present the order of

sequence of the movement of file within the administration due to which the delay was caused. However, the said affidavit omits as to what were the specific details of the opinion of the counsel and the specific dates of approvals of the concerned Officers within the Department. Furthermore, there is no material on record with regard to the movement of file between the Officers till the decision is taken to file the appeal. In the absence of any such material particulars, the vague assertion that the opinion was sought and the Competent Authority took the decision to file the appeal, cannot be taken as sufficient cause to condone the delay in filing the commercial appeal. The Hon'ble Supreme Court, in the aforesaid decisions has held that the delay cannot be condoned in a routine manner, if the dispute is arising out of the Act as the object of the Act is speedy resolution of the commercial disputes.

7. Therefore, on considering the cause shown by the appellant in the affidavit filed along with the application, the same does not show any sufficient cause to condone

the delay of 220 days in filing the appeal. Hence, we are of the considered view that the application in I.A.No.1/2025 filed seeking condonation of delay is devoid of merits and accordingly, the same is rejected. Consequently, the appeal stands ***rejected***.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

RV
List No.: 1 Sl No.: 9