



2026:CGHC:13694-DB

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

ARBA No. 8 of 2023

1 - Chhattisgarh State Agriculture Marketing Board, Beej Bhawan,
Telibandha Raipur, Chhattisgarh, Through The Managing Director.

... Appellant

versus

1 - M/s Price Water House Coopers Pvt. Ltd. Plot Y-14, Block EP,
Sector V, Salt Lake, Kolkata 700091 - Having Its Office At Building
8, 7th and 8th Floor, Tower B, DLF Cyber City, Gurgaon, Haryana

... Respondent

For Appellant : Mr. Amrito Das, Advocate.

For Respondent : Ms. Gurmeet Bindra, Advocates through
V.C. and Mr. Sameer Uraon, Advocate.

**D.B. : Hon'ble Smt. Justice Rajani Dubey &
Hon'ble Shri Justice Radhakishan Agrawal**

(Order on Board)

(23.03.2026)

Per Rajani Dubey, J

1. The instant arbitration appeal has been preferred by the

Chhattisgarh State Agriculture Marketing Board-Appellant herein being aggrieved by order dated 08.08.2022 passed by the learned Commercial Court (District Level), in M.J.C. No.06/2022, whereby the appeal preferred by the appellant under Section 34 of the Arbitration and Conciliation Act, 1996 has been dismissed holding the arbitral award dated 24.11.2021 passed by the learned Sole Arbitrator not against the public policy of India.

2. The present appeal has been filed along with an application (I.A. No. 01/2023) seeking condonation of delay on the ground that the impugned order was passed by the learned Commercial Court on 08.08.2022, whereas the appeal was filed on 27.01.2023, resulting in a delay of 110 days.
3. Learned counsel for the appellant submits that the short delay caused in preferring the appeal is highly bonafide since there was no intent on the part of the appellant to cause any delay in preferring the appeal and the same has been caused due to procedural held-ups. After rejection of the application of the appellant filed under Section 34 of the Arbitration and Conciliation Act by the learned Commercial Court, a legal opinion was sought by the appellant on 25.11.2022 and after obtaining the legal advice, a decision to file the instant appeal was taken and immediately thereafter, the certified copy of the impugned order was

obtained on 14.12.2022. Learned counsel also submits that the delay caused in preferring the instant appeal is not at all deliberate or intentional. It has occasioned owing to an unfortunate circumstance for which the appellant seeks for condonation of delay as the matter involves vital question of law to be decided by this Court in order to prevent the abuse of process of law.

In support of his submission, learned counsel placed reliance on the decision of Hon'ble Apex Court in the matter of **Sheo Raj Singh (Deceased) Through Legal Representatives and Ors. Vs. Union of India and Another** reported in **(2023) 10 SCC 531** and **Government of Maharashtra (Water Resources Department) Represented by Executive Engineer Vs. Borse Brothers Engineers and Contractors Private Limited** reported in **(2021) 6 SCC 460**.

4. Learned counsel for respondent strongly opposed the prayer of the appellant and submits that the learned Commercial Court passed the order on 08.08.2022 and the appeal has been preferred by the appellant on 27.01.2023 i.e. after delay of 110 days and no sufficient cause has been shown in the application justifying such a long delay in filing the present appeal. The present appeal is most malafide and has been filed with intention to delay the payment of

dues awarded by the learned Arbitrator and frustrated the execution of the petition filed by the respondent before the learned Commercial Court, Raipur on 25.11.2022, and after receiving the notice of such execution, the appellant filed the present appeal on 26.01.2023 with an intention to delay the execution of award. Learned counsel further submits that limitation for filing the present appeal commenced as prescribed under Section 13 (1A) of the Commercial Court Act is 60 days from the date of judgment/order. The learned Commercial Court vide order dated 08.08.2022 passed the final judgment in the application filed by the appellant under Section 34 of the Arbitration and Conciliation Act, which was sent to all the parties including to their respective counsel vide e-mail dated 08.08.2022. The 60 days period expired on 07.10.2022, the present appeal has been filed on 26.01.2023, with the delay of 109 days cannot be condoned as a matter of rule, as has been held by the Hon'ble Apex Court in various judgments. The appellant has shown no bonafide reason justifying the delay of 109 days in filing the present application, as such, the delay is not liable to be condoned.

In support of her submission, learned counsel placed reliance on the decision of Hon'ble Apex Court in the matter of **Government of Maharashtra (Water Resources**

Department) Represented by Executive Engineer Vs. Borse Brothers Engineers and Contractors Private Limited reported in **(2021) 6 SCC 460**.

5. We have heard learned counsel for the parties and perused the material available on record.
6. The limitation for filing an appeal under the Commercial Courts Act is governed by Section 13 (1A). For ready reference, Section 13 (1A) of the Commercial Act is reproduced hereinbelow :-

“13. Appeals from decrees of Commercial Courts and Commercial Divisions – 1[(1) Any person aggrieved by the judgment or order of a Commercial Court below the level of a District Judge may appeal to the Commercial Appellate Court within a period of sixty days from the date of judgment or order.

(1A) Any person aggrieved by the judgment or order of a Commercial Court at the level of District Judge exercising original civil jurisdiction or, as the case may be, Commercial Division of a High Court may appeal to the Commercial Appellate Division of that High Court within a period sixty days from the date of the judgment or order.

Provided that an appeal shall lie from such orders passed by a Commercial Division or a Commercial Court that are specifically enumerated under Order XLIII of the Code of Civil Procedure, 1908 (5 of 1908) as amended by

this Act and section 37 of the Arbitration and Conciliation Act, 1996 (26 of 1996).].

7. From the record, it is evident that the appellant and the respondent entered into an agreement dated 27.02.2013 pursuant to the appellant's advertisement dated 06.11.2012, governing their contractual relationship. Subsequently, disputes arose between the parties, primarily relating to monetary claims and obligations under the said agreement, which led to invocation of the arbitration clause and appointment of a Sole Arbitrator by this High Court. The learned Sole Arbitrator, after affording due opportunity of hearing to both parties and considering the material placed on record, passed an arbitral award dated 24.11.2021.
8. Aggrieved thereby, the appellant preferred an application under Section 34 of the Arbitration and Conciliation Act, 1996 before the learned Commercial Court on 28.02.2022, seeking to set aside the said award. The learned Commercial Court, upon hearing the parties and examining the grounds raised in the application, dismissed the same by the impugned order dated 08.08.2022. Being dissatisfied with the said order, the appellant has filed the present appeal on 27.01.2023.
9. The contention as has been raised that due to procedural help-ups the short delay had caused and after dismissal of

the appeal, a legal advice was sought on 25.11.2022 and after taking decision to file the appeal, a certified copy of the impugned order was obtained on 14.12.2022, these two grounds are nothing but a casual approach of the appellant upon which the ground is being taken for its consideration to be sufficient cause for condoning the delay.

10. The present is a commercial dispute, wherein, the yardstick for condoning delay is strict. While dealing with an application for condonation of delay, the court examines whether a party has acted diligently and without negligence, ensuring that no undue advantage is extended in contravention of the procedural mandate of the [Commercial Courts Act, 2015](#). Only in a fit case, where a party has acted bonafide and not in a negligent manner, a short delay can be condoned. Thus, holding that in cases arising out of [The Commercial Courts Act, 2015](#), condonation can be granted only in exceptional circumstances and not as a matter of rule, the Hon'ble Apex Court in ***Borse Brothers (supra)*** laid down proposition in paragraphs at paras 58, 59, 63 and 65, which reads 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. LAO⁵⁷ ((2023) 14 SCC 81), has held: (SCC pp. 85-88. a 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 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 Banerjee⁵⁸ (AIR 1964 SC 1336), Mata Din v. A. Narayanan⁵⁹ ((1969) 2 SCC 770), Parimal v. Veena⁶⁰ (2011 3 SCC 545 : (2011) 2 SCC (Civ) 1)) and Maniben Devraj Shah v. Municipal Corpn. of Brihan Mumbai⁶¹ ((2012) 5 SCC 157 : (2012) 3 SCC (Civ) 24).

10. *In Arjun Singh v. Mohindra Kumar⁶² (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 so long as negligence, inaction or lack of bona fides cannot be imputed to the party concerned, 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. Shyamlal⁶³ and Ram Nath Sao v. Gobardhan Sao⁶⁴ (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 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

c 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.⁶⁵ ((2005) 7 SCC 510), Rajender Singh v. Santa Singh⁶⁶ ((1973) 2 SCC 705) and Pundlik Jalam Patil v. Jalgaon Medium Project⁶⁷ ((2008) 17 SCC 448).

14. In P. Ramachandra Rao v. State of Karnataka⁶⁸ (2002 4 SCC 578) 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. Nayak⁶⁹

((1992) 1 SCC 225).

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.70 ((2012) 3 SCC 563) "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. xxxx

61. xxxx

62. xxxx

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 a 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.

64. xxxx

65. Apart from this, there is a long delay of 131 days beyond the 60-day period provided for filing an appeal under Section 13(1-A) of the Commercial Courts Act. There is no explanation worth the name contained in the condonation of delay application, beyond the usual file-pushing and administrative exigency. This appeal is therefore dismissed.”

11. In the light of above, in the present case, it is clear that the appellant only shown cause of delay as procedural held-ups and in para 3 of the I.A. No.01/2023, the appellant

highlighted the ground of delay, which for ready reference is reproduced herein as under :-

“3. That the short delay caused is highly bonafide since there is no intent on part of the appellant to cause any delay in preferring the instant appeal. That the short delay caused had occasioned from the procedural help-ups. The challenge is to the order passed by the learned Commercial Court whereby the application preferred by the appellant under Section 34 of the Arbitration and Conciliation Act, 1966 was rejected and the award passed by the learned Sole Arbitrator was upheld. Legal opinion was sought by the appellant on 25.11.2022 and after obtaining the legal advice, a decision was taken for preferring the present appeal. Immediately, the certified copy of the impugned order was obtained on 14.12.2022.”

12. It is clear that the impugned order has been passed on 08.08.2022 by the learned Commercial Court, whereas legal opinion was sought only on 25.11.2022 and thereafter the certified copy was obtained on 14.12.2022 & the present appeal has been filed on 27.01.2023, resulting in a delay of 110 days beyond the prescribed limitation period of 60 days under Section 13(1A) of the Commercial Courts Act, which expired on 07.10.2022. No satisfactory or reasonable explanation has been furnished for such delay, and the grounds stated do not constitute “sufficient cause.” The

cumulative delay of 110 days, without sufficient cause, falls far outside the permissible bounds of delay under The Commercial Courts Act, 2015. Therefore, the application for condonation of delay is without any merit. Thus, in the light of Hon'ble Apex Court guidelines in **Borse (supra)**, this application (I.A.No.01/2023) for condonation of delay is rejected.

13. On account of the dismissal of the aforesaid application, the appeal filed under Section 37 of the Arbitration and Conciliation Act, is also dismissed.

Sd/-

(Rajani Dubey)
Judge

Sd/-

(Radhakishan Agrawal)
Judge