



2025:DHC:10719-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment reserved on: 17.11.2025

Judgment pronounced on: 02.12.2025

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FAO (COMM) 164/2024 & CM APPL. 47666/2024 (Delay of 101 days in filing the appeal)

M/S GOGOAL HYDRO PVT. LTD.

.....Appellant

Through: Mr. Vikas Tomar & Mr. Nimish Mishra, Advocates.

versus

M/S BHARAT HEAVY ELECTRICALS LIMITED & ORS.

.....Respondents

Through: Ms. Mani Gupta, Ms. Sonali Jain and Ms. Garima Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

J U D G M E N T

HARISH VAIDYANATHAN SHANKAR, J.

1. The present Appeal has been instituted under Section 37(1)(c) of the **Arbitration and Conciliation Act, 1996¹**, read with Section 13(1A) of the **Commercial Courts Act, 2015²**, challenging the **Orders dated 13.02.2024 and 16.05.2024³** passed by the learned

¹A&C Act

²CC Act

³Impugned Orders



District Judge (Commercial Court-03), South District, Saket Courts, New Delhi⁴.

2. By the **Order dated 13.02.2024⁵**, the learned District Court allowed the Respondent's petition under Section 34 of the A&C Act and set aside the Arbitral Award dated 14.03.2019. The subsequent **Order dated 16.05.2024⁶** was confined solely to correcting the Impugned Order to the extent of rectifying the name of the main counsel and the date of the Impugned Order at one place.

3. Before examining the merits of the present Appeal, we propose to first determine its maintainability, as the Appeal has been filed beyond the statutory period of limitation. The appeal is accompanied by *CM APPL. 47666/2024*, being an application under Section 5 of the **Limitation Act, 1963⁷**, seeking condonation of the delay in filing the Appeal.

4. On 17.11.2025, this Court heard the parties at length on *CM APPL. 47666/2024* and reserved Judgment on the issue of limitation. Accordingly, the maintainability of the present appeal is contingent upon the outcome of the said application.

5. Pursuant thereto, by this Judgment, we propose to decide ***CM APPL. 47666/2024***.

6. The Appellant/Applicant's explanation and grounds for seeking condonation of delay, as set out in the accompanying application, are reproduced hereinbelow:

“1. That the Appellant herein has filed present appeal before this Hon'ble Court, the contents of which are not repeated herein for the

⁴District Court

⁵ Impugned Order

⁶ Correction Order

⁷ Limitation Act



sake of brevity. However, the same be read as part and parcel of the present application.

2. That after passing of the order dated 13.02.2024, the counsel for the Appellant contacted the officials of the Appellant, and provided a copy of the said order in the third week of February, 2024, thereafter the Appellants who are based out of Haridwar, took time to re consider the entire matter and pass appropriate directions.

3. That in the Second week of July, 2024, the officials of the Appellant informed the Counsel for the Appellant regarding their decision to file an appeal, however due to some personal exigencies, the counsel for the Appellant could not prepare the appeal immediately. The counsel for the in the Second week of July, 2024 prepared the appeal and provided the same to the appellant.

4. That even on an application being filed by the Respondent, the order was modified/corrected with order dated 16.05.2024, thus the final order after corrections is effective from 16.05.2024, the certified copy of which has been applied on 10.07.2024 and the copy was supplied to the Appellant on 16.07.2024, as such if the final order is: considered from the said date then there is no delay. Be that as it may in order to avoid any issue, present application is being filed, seeking condonation of delay in filing present appeal.

5. That due to aforesaid reasons there is a delay of 101 days in filing the Appeal due to facts and circumstances beyond the control or fault of the Appellant.

6. That the delay caused in filing the Appeal is neither deliberate nor intentional.

7. That if the delay caused in filing the present Appeal is not condoned, then the Appellant will suffer irreparable loss.

8. That the Application is being made bonafidely in the interest of justice.”

7. During the hearing on the present application, the learned counsel appearing for the Appellant/Applicant substantially reiterated the very grounds already set out in the application.

ANALYSIS:

8. The legal position governing the limitation period for filing appeals under Section 37 of the A&C Act stands settled by the three-Judge Bench Judgement of the Hon’ble Supreme Court in



Government of Maharashtra (Water Resources Department) v. Borse Brothers Engineers & Contractors Pvt. Ltd.⁸.

9. Recently, this Court in *Dilshad Khan vs. Govt of NCT of Delhi*⁹ and *The Government of National Capital Territory of Delhi vs. M/s R. S. Sharma Contractors Pvt. Ltd.*¹⁰, while placing reliance on *Borse Brothers* (*supra*), reiterated that the limitation period for appeals of the present nature is strictly 60 days. It was further held that condonation under Section 5 of the Limitation Act can be granted only in exceptional cases involving short delay, where the applicant establishes *bona fides* and absence of negligence. The relevant paragraphs from *Dilshad Khan* (*supra*) are reproduced below:

“4. On a conjoint reading of the provisions of the CC Act and the **Limitation Act, 1963**⁵, as interpreted by a three-Judge Bench of the Hon'ble Supreme Court in *Government of Maharashtra (Water Resources Department) v. Borse Brothers Engineers & Contractors Pvt. Ltd.*⁶, and contrasted with the earlier two-Judge decision in *N.V. International v. State of Assam*⁷, the settled legal position is that the prescribed limitation for filing an appeal under Section 37 of the A&C Act in respect of commercial disputes of “Specified Value” is sixty days, in terms of Section 13(1A) of the CC Act. In the present case, it is an undisputed fact that the “Specified Value” exceeded the prescribed threshold. Section 2(1)(i) of the CC Act defines “Specified Value” as follows:

“(i) “**Specified Value**”, in relation to a commercial dispute, shall mean the value of the subject matter in respect of a suit as determined in accordance with section 12 which shall not be less than three lakh rupees or such higher value, as may be notified by the Central Government.”

5. In *N.V. International* (*supra*), the Hon'ble Supreme Court had proceeded on the premise that, in the absence of a specific provision prescribing limitation for appeals under Section 37, the limitation applicable to Section 34(3) proceedings would also govern such appeals. On that reasoning, it was held that delay in filing an appeal under Section 37 could not be condoned beyond thirty days. However, in *Borse Brothers Engineers* (*supra*), the

⁸(2021) 6 SCC 460

⁹ 2025 SCC OnLine Del 5636

¹⁰ 2025:DHC:8938-DB



Hon'ble Supreme Court undertook a detailed examination of the statutory framework under the A&C Act, the CC Act and the Limitation Act, and concluded that the reasoning in *N.V. International* (supra) was rendered *per incuriam* as it failed to consider the interplay of these enactments. The relevant paragraphs of *Borse Brothers Engineers* (supra) are produced herein below:

“23. Section 37 of the Arbitration Act, when read with Section 43 thereof, makes it clear that the provisions of the Limitation Act will apply to appeals that are filed under Section 37. This takes us to Articles 116 and 117 of the Limitation Act, which provide for a limitation period of 90 days and 30 days, depending upon whether the appeal is from any other court to a High Court or an intra-High Court appeal. There can be no doubt whatsoever that Section 5 of the Limitation Act will apply to the aforesaid appeals, both by virtue of Section 43 of the Arbitration Act and by virtue of Section 29(2) of the Limitation Act.

25. When the Commercial Courts Act is applied to the aforesaid appeals, given the definition of “specified value” and the provisions contained in Sections 10 and 13 thereof, it is clear that it is only when the specified value is for a sum less than three lakh rupees that the appellate provision contained in Section 37 of the Arbitration Act will be governed, for the purposes of limitation, by Articles 116 and 117 of the Limitation Act. Shri Deshmukh's argument that depending upon which court decides a matter, a limitation period of either 30 or 90 days is provided, which leads to arbitrary results, and that, therefore, the uniform period provided by Article 137 of the Limitation Act should govern appeals as well, is rejected.....

27. Even in the rare situation in which an appeal under Section 37 of the Arbitration Act would be of a specified value less than three lakh rupees, resulting in Article 116 or 117 of the Limitation Act applying, the main object of the Arbitration Act requiring speedy resolution of disputes would be the most important principle to be applied when applications under Section 5 of the Limitation Act are filed to condone delay beyond 90 days and/or 30 days depending upon whether Article 116(a) or 116(b) or 117 applies. As a matter of fact, given the timelines contained in Sections 8, 9(2), 11(4), 11(13), 13(2)-(5), 29-A, 29-B, 33(3)-(5) and 34(3) of the Arbitration Act, and the observations made in some of this Court's judgments, the object of speedy resolution of disputes would govern



appeals covered by Articles 116 and 117 of the Limitation Act.

32. Thus, from the scheme of the Arbitration Act as well as the aforesaid judgments, condonation of delay under Section 5 of the Limitation Act has to be seen in the context of the object of speedy resolution of disputes.

33. The bulk of appeals, however, to the appellate court under Section 37 of the Arbitration Act, are governed by Section 13 of the Commercial Courts Act. Sub-section (1-A) of Section 13 of the Commercial Courts Act provides the forum for appeals as well as the limitation period to be followed, Section 13 of the Commercial Courts Act being a special law as compared with the Limitation Act which is a general law, which follows from a reading of Section 29(2) of the Limitation Act. Section 13(1-A) of the Commercial Courts Act lays down a period of limitation of 60 days uniformly for all appeals that are preferred under Section 37 of the Arbitration Act. [As held in BGS SGS SOMA JV v. NHPC Ltd., (2020) 4 SCC 234, whereas Section 37 of the Arbitration Act provides the substantive right to appeal, Section 13 of the Commercial Courts Act provides the forum and procedure governing the appeal (see para 13).]

34. The vexed question which faces us is whether, first and foremost, the application of Section 5 of the Limitation Act is excluded by the scheme of the Commercial Courts Act, as has been argued by Dr. George. The first important thing to note is that Section 13(1-A) of the Commercial Courts Act does not contain any provision akin to Section 34(3) of the Arbitration Act. Section 13(1-A) of the Commercial Courts Act only provides for a limitation period of 60 days from the date of the judgment or order appealed against, without further going into whether delay beyond this period can or cannot be condoned.

35. It may also be pointed out that though the object of expeditious disposal of appeals is laid down in Section 14 of the Commercial Courts Act, the language of Section 14 makes it clear that the period of six months spoken of is directory and not mandatory. By way of contrast, Section 16 of the Commercial Courts Act read with the Schedule thereof and the amendment made to Order 8 Rule 1 CPC, would make it clear that the defendant in a suit is given 30 days to file a written statement, which period cannot be extended beyond 120 days from the date of service of the summons; and on expiry of the said period, the defendant forfeits the right to file the written statement and the court cannot allow the written statement to be taken on record.



This provision was enacted as a result of the judgment of this Court in Salem Advocate Bar Assn. (2) v. Union of India, (2005) 6 SCC 344.

39. Unlike the scheme of the Central Excise Act relied upon in CCE v. Hongo (India) (P) Ltd., (2009) 5 SCC 791, there are no other provisions in the Commercial Courts Act which provide for a period of limitation coupled with a condonation of delay provision which is either open-ended or capped. Also, the period of 180 days provided was one indicia which led the Court to exclude the application of Section 5 of the Limitation Act, as it was double and triple the period provided for appeals under the other provisions of the same Act. Section 13(1-A) of the Commercial Courts Act, by way of contrast, applies an intermediate period of 60 days for filing an appeal, that is, a period that is halfway between 30 days and 90 days provided by Articles 116 and 117 of the Limitation Act.

43. The next important argument that needs to be addressed is as to whether the hard-and-fast rule applied by this Court in N.V. International v. State of Assam, (2020) 2 SCC 109 is correct in law. Firstly, as has correctly been argued by Shri Shrotri, N.V. International v. State of Assam, (2020) 2 SCC 109, does not notice the provisions of the Commercial Courts Act at all and can be said to be per incuriam on this count. Secondly, it is also correct to note that the period of 90 days plus 30 days and not thereafter mentioned in Section 34(3) of the Arbitration Act cannot now apply, the limitation period for filing of appeals under the Commercial Courts Act being 60 days and not 90 days. Thirdly, the argument that absent a provision curtailing the condonation of delay beyond the period provided in Section 13 of the Commercial Courts Act would also make it clear that any such bodily lifting of the last part of Section 34(3) into Section 37 of the Arbitration Act would also be unwarranted. We cannot accept Shri Navare's argument that this is a mere casus omissus which can be filled in by the Court.

52. For all these reasons, given the illuminating arguments made in these appeals, we are of the view that N.V. International v. State of Assam, (2020) 2 SCC 109 has been wrongly decided and is therefore overruled.

53. However, the matter does not end here. The question still arises as to the application of Section 5 of the



Limitation Act to appeals which are governed by a uniform 60-day period of limitation. At one extreme, we have the judgment in N.V. International v. State of Assam, (2020) 2 SCC 109 which does not allow condonation of delay beyond 30 days, and at the other extreme, we have an open-ended provision in which any amount of delay can be condoned, provided sufficient cause is shown. It is between these two extremes that we have to steer a middle course.

55. Reading the Arbitration Act and the Commercial Courts Act as a whole, it is clear that when Section 37 of the Arbitration Act is read with either Article 116 or 117 of the Limitation Act or Section 13(1-A) of the Commercial Courts Act, the object and context provided by the aforesaid statutes, read as a whole, is the speedy disposal of appeals filed under Section 37 of the Arbitration Act. To read Section 5 of the Limitation Act consistently with the aforesaid object, it is necessary to discover as to what the expression “sufficient cause” means in the context of condoning delay in filing appeals under Section 37 of the Arbitration Act.

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.”

(emphasis supplied)

6. The Hon'ble Supreme Court in Borse Brothers Engineers (supra) categorically held that the limitation period prescribed under Section 34(3) of the A&C Act does not apply to appeals under Section 37. The Court explained that the “hard stop” applicable to Section 34 proceedings cannot be mechanically extended to Section 37 appeals. Instead, such appeals are governed either by Articles 116 and 117 of the Limitation Act or by Section 13(1A) of



the CC Act, depending on whether the dispute qualifies as a commercial dispute of “Specified Value”. Accordingly, from ***Borse Brothers Engineers*** (supra), the following legal position emerges:

- (i). For commercial disputes of “Specified Value” under the CC Act, the limitation period for filing an appeal under Section 37 is sixty days, as provided in Section 13(1A) of the CC Act; and
- (ii). In all other cases, for filing an appeal under Section 37, the limitation periods prescribed under Articles 116 and 117 of the Limitation Act, will apply.

7. In the said Judgment, the Hon'ble Court further emphasised that while Section 5 of the Limitation Act permits condonation of delay, such discretion must be exercised with caution. It is confined to “short delays” and is to be invoked only where the appellant demonstrates *bona fide* conduct, absence of negligence, and lack of prejudice to the respondent.”

(emphasis supplied)

10. In view of the aforesaid judgment, there is no dispute that for commercial disputes of “*Specified Value*” under the CC Act, the limitation period for filing an appeal of the present nature under Section 37 of the A&C Act is 60 days, in terms of Section 13(1A) of the CC Act. Since the present matter clearly satisfies the threshold of “*Specified Value*”, the Appellant was required to file the appeal on or before 13.04.2024.

11. The record, however, indicates that the Appeal was filed only on 17.08.2024. A comparative timeline is set out below:

Event	Date	Remarks
Impugned Order passed by the learned District Court	13.02.2024	Starting point for limitation under Section 13(1A) of the CC Act.
Expiry of the 60-day limitation	13.04.2024 (excluding 13.02.2024)	Last date for filing the appeal without condonation of delay.
Actual date of filing (as per Court	17.08.2024	125 days beyond expiry of limitation (i.e., from



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record)	14.04.2024).
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12. It is therefore evident that the present appeal was filed 125 days after the expiry of the prescribed limitation period. However, in the application seeking condonation of delay, the Appellant has sought condonation of 101 days. Without entering into the arithmetic of the actual number of days delayed, we propose to examine whether the Appellant has demonstrated “*sufficient cause*” for condonation of delay. The reasons pleaded by the Appellant in support of condonation appear to be as follows:

- (i) The Impugned Order was subsequently corrected on 16.05.2024 and, if the limitation is computed from the Correction Order, the Appeal would not be delayed.
- (ii) The Appellant is based in Haridwar and thus required time to deliberate and take a decision and to communicate the same to the counsel in Delhi.
- (iii) The Appellant’s counsel faced unspecified personal exigencies, which resulted in further delay in drafting and filing the Appeal.

13. Regarding the first cause of delay, *ex facie*, it is evident that the explanation offered is itself beyond the statutorily prescribed 60-day period. The Appellant has not disclosed the date on which the application seeking correction was filed, which ultimately resulted in the Corrected Order. Even assuming that the application for correction was filed promptly, the nature of corrections sought was limited solely to rectifying the name of the main counsel and correcting the date of the Impugned Order at one place. For the sake of clarity, the Correction Order is extracted below:



“Copy of the application filed by applicant/petitioner under Section 151 read with Section 152 CPC supplied to Id. Counsel for respondent.

Arguments on the application heard.

It is mentioned in the application that name of main Counsel for petitioner has been mentioned as Ms. Vishakha Saluja instead of Ms. Mani Gupta. Second correction prayed for in the application is that at one place date of judgment has been wrongly mentioned as 13.01.2024 while it should be 13.02.2024.

Mr. Vikas Tomar, Id. Counsel for non-applicant/respondent submitted that he has no objection to the corrections prayed for in the application.

Accordingly, the application is allowed. In the judgment dated 13.02.2024 the name of Id. Counsel for petitioner will be read as Ms. Mani Gupta and the date of judgment will be read as 13.02.2024.

The application stands disposed of. At request, copy of this order be given *dasti*.”

14. A careful perusal of the Corrected Order establishes without ambiguity that the changes effected were purely clerical and ministerial. The substantive reasoning, findings, and operative directions contained in the Impugned Order remained entirely unaltered. In our considered view, the correction of a typographical error in the date of pronouncement and the rectification of the name of counsel do not constitute any substantial modification of the Impugned Order on its merits and, therefore, cannot be construed as giving rise to a fresh date of the order for computation of limitation.

15. In this regard, the Guwahati High Court in ***Rupjan Begum v. Azizur Rahman Saikia***¹¹, after considering judicial precedents across multiple High Courts, essentially reiterated that only substantial amendments, those that alter rights or modify relief, can result in a fresh period of limitation. The relevant paragraphs of the said judgment are extracted below:

¹¹2018 SCC OnLine Gau 2366



“5. Learned counsel, Mr. S. Ali placing reliance on a decision of the Kerala High Court in **Thanuvan Appukuttan v. P.N. Gopala Pillai**, AIR 1969 Ker 183, contended that as the decree was amended under section 151/152, CPC, the limitation shall run from the date of original decree and not from the date of amendment. Hon'ble Kerala High Court held that—

“Amendment of a decree under section 151 or section 152 of the CPC does not alter its date and if so, under relevant article time runs from the date of decree, even if the appeal is against the portion of the decree, that amended, if there is no alteration in the date of decree, it will be a fit case condoning the delay under section 5 of the Limitation Act. I am, therefore, of the view that when a decree is amended under section 151 or section 152, CPC, time does not run from the date of amendment for filing the appeal.”

6. A Division Bench of Patna High Court in **Gopi Bibi v. Chanu Prasad**, AIR 1930 Pat. 42 held that where decree is amended in material particular, which particular is also the subject-matter of appeal, the period of limitation ought to be calculated from the date of the amendment of the decree.

7. In **Janikamma v. Raja Gopala**, AIR 1945 (Mad.) 62 (V-32) where decree was amended under section 19 of the Madras Act of 1938 and not under section 151 or 152, CPC, the Madras High Court observed that when the amendment under section 151, CPC is only to clarify the real intention of the original decree, the starting point for limitation shall be the date of original decree, but when the amendment brings a substantial change, the date of amendment shall be relevant. Hon'ble Madras High Court held as under

“The question is which is the correct terminus a quo in the circumstances of the case, the date of the original decree or the date of the amendment? It has to be borne in mind in this connection that the amendment herein question was not one made in order to express the real intention which the original decree was meant to express but did not, such an amendment under section 152, CPC, in which case it may be that the amendment does not give rise to fresh starting point though, it may be a proper ground for extension of time under section 5 of the Limitation Act. The ‘amendment’ under section 19 of the Act, (i.e., Madras Act IV of 1938), however, brought about a vital alteration, as we have explained above, by substantially reducing the relief originally granted to her, and this alteration was based on the adverse finding which previously was not prejudicial to her. It would be startling if, in such circumstances, the appeal were to be held barred by limitation long before the appellant's right of appeal came into being. Such a construction of the phrase



‘the date of the decree’ in article 156 cannot be accepted. The article clearly presupposes that the remedy by way of appeal has become available to the appellant and the date of the decree can only mean that the date when the decree became appealable for the party concerned”

8. In Tincowri Haider v. Nani Gopal Mandal, AIR 1960 Cal 258 ((1958-59) 63 CWN 711), a Division Bench of Calcutta High Court observed that if the decree is amended on an application under section 151 or section 152, CPC, the starting point of limitation would be the date of amended decree, where the appeal is confined to the amended part of the decree, but if the appeal is directed against the decree as it stood prior to the amendment, the starting point would be the date of the original decree. In case of a re-hearing on a successful application for review, the starting point would always be the date of the new decree drawn up and signed after the review, whether the original decree is modified or reaffirmed.

9. The Andhra Pradesh High Court in Ram Singh Minor through Kashi Ram v. Smt Ramo Bai Minor through Ram Baboo, AIR 1968 MP 220 after having considered several authorities held as under

“Having in view the several decisions it may be justifiable to propound that although the date of the decree under order XX, rule 7, Code of Civil Procedure, would be the date of the judgment, yet where a decree is substantially amended either by way of review or by way of the powers of corrections conferred on the court under section 151, 152 or 153 of the Code of Civil Procedure, the party against whom such amendment or correction had been made ought not to be made to suffer merely on the basis of the wording of order XX, rule, Civil Procedure Code. If I may say so, the ratio decidendi of the above cases would be that if the decree is amended or corrected in respect of unsubstantial matters, a party may not get a right of appeal against such unsubstantial amendments or corrections. But, if it is substantially amended, the right of appeal would be from the date of such substantial amendment. Or, at any rate, if a party filed an appeal against the amended decree, he can invoke section 5 of the Limitation Act, and if his attack is against the amendment itself, there is no reason why the court should be reluctant to extend time in his favour. At the most, the court might not allow him to raise those questions which could have been raised if he had filed an appeal against the unamended decree. But different considerations ought to prevail where the amendment is substantial

10. What, therefore, deducible from the views expressed by various High Courts is that the most pertinent and crucial question in case



of amendment of a decree, vis-a-vis the starting point of limitation for appeal is, which decree or order is carried to appeal. As per article 116 of the Limitation Act, 1963, the period of limitation for filing an appeal under the Code of Civil Procedure either to the High Court or to any other court commences from the date of decree or order. As per order XX, rule 7, CPC, the date of decree means the date when the judgment is pronounced and, therefore, for purpose of article 116 of the Limitation Act, crucial date from when the period of limitation starts is the date of judgment. Article 12 of the Limitation Act also gives the indication that in case of filing appeal, review or revision limitation runs from the date on which the judgment appealed against was pronounced. When the amendment of the decree under section 151 or 152, CPC is only to rectify some clerical or arithmetical error or to remove any ambiguity and in order to express the real intention of the decree, it is not difficult to understand that in such case limitation for filing appeal invariably starts from the date of original decree. Problem arises when substantial change is made in the decree by amendment. Whether substantial change in the decree by way of amendment under the power of correction emanating from section 151 or 152, CPC is permissible or not is altogether a different question, which is not an issue in the present case. Be that as it may, it may so happen, that a party may not be affected or aggrieved by a decree as it originally stood, but may be affected and aggrieved by the modified or amended decree. It is in this context only, the question arises as to from which date the limitation is to start for filing appeal, whether from the date of original decree or the amended decree.

11. The answer to the above question, as would appear from the views taken by the various High Courts, perhaps, needs to be traced in the third column of the article 116 of the Limitation Act, i.e., the date of the decree appealed against or in other words, the question should be looked from the angle — as to which decree is carried to appeal. Having taken note of the views expressed by various High Courts, the legal proposition can be summarised as follows:

- (a) In view of order XX, rule 7, CPC date of judgment is date of decree.
- (b) When the decree is varied or reaffirmed in review, limitation shall run from the date when the new decree is drawn after the review.
- (c) When a decree is amended in exercise of power under section 151, or 152, CPC, usually date of decree does not change or in other words, it remains the date of judgment, i.e., the original date of judgment and decree.
- (d) So far the question of limitation in filing appeal against the decree which is amended under section 151 or 152, CPC is concerned, limitation would run normally from the date of



original decree if the amendment is unsubstantial or in order to rectify any clerical or arithmetical error or in order to express the real intention of the original decree.

(e) In exceptional cases when the decree is substantially amended by incorporating or adding any new relief or increasing or decreasing the original relief and the decree carried to appeal is only the amended part and not the original decree, starting part of limitation shall be the date of amendment of the decree and not the original decree.

(f) If the appeal is against both the original as well as the amended portion of the decree, limitation would run from the date of the original decree. However, in any case amendment of the decree shall be a good ground for condoning the delay under section 5 of the Limitation Act.”

(emphasis supplied)

16. In the present case, the Appellant was well aware, even while moving the application for correction under Section 151 read with Section 152 of the CPC, that no substantive modification of the Impugned Order was either sought or granted. The Respondent's own application for correction expressly confined the relief to clerical aspects alone. Accordingly, the attempt of the Appellant to treat the date of the Corrected Order as the date of the Impugned Order for the purpose of limitation is wholly misconceived. The limitation period must, therefore, be computed from 13.02.2024, i.e., the date of the original Impugned Order.

17. The second ground urged in the Application that the Appellant is based in Haridwar is wholly misconceived and deserves outright rejection. Proceedings under the A&C Act, arising from commercial disputes, are governed by strict timelines, and parties are expected to act with utmost diligence and expedition. The statute does not create a lower threshold of responsibility merely because a party is situated outside the forum's territorial limits.



18. Geographical location or internal logistical inconvenience can never, by themselves, constitute “*sufficient cause*” for delay. To qualify for condonation, the Appellant must demonstrate a compelling and unavoidable impediment that made timely filing impossible, not merely inconvenient. No material has been placed on record to show that the Appellant’s location created any exceptional, unforeseen, or insurmountable difficulty. In the absence of such proof, this contention is nothing more than an afterthought to overcome the statutory limitation.

19. Worse still, the Appellant’s own admissions in the Application exposes that the delay arose solely due to internal indecision and administrative lethargy. After communicating the Impugned Order to its counsel in the *third week of February 2024*, the Appellant chose to “*reconsider the entire matter and pass appropriate directions*”. The Appellant further admits that the decision to file the Appeal was conveyed to counsel only in the *second week of July 2024*, i.e., more than 2.5 months after the limitation period had already expired. This timeline unequivocally demonstrates that the delay is self-induced and deliberate, not unavoidable.

20. The third ground advanced by the Appellant concerns the alleged personal exigencies of the Appellant’s counsel. The Application avers that, even after the Appellant communicated its decision to file the appeal in the *second week of July 2024*, further delay occurred on account of such exigencies, which purportedly prevented prompt drafting and filing.

21. This explanation is inadequate for two independent reasons. First, the asserted cause itself falls well outside the statutorily



prescribed 60-day window and therefore cannot, without more, supply “*sufficient cause*”.

22. Second, the Appellant has failed to particularize the nature, timing or duration of the counsel’s alleged exigency; there is no documentary proof to substantiate the claim. It is well-settled that routine administrative difficulties, mere inability to obtain instructions promptly, or unspecified personal problems of counsel do not ordinarily constitute sufficient cause for condonation of delay.

23. The legislative architecture of the A&C Act and the CC Act emphasize expedition. Strict observance of limitation periods is intrinsic to the scheme that arbitration awards and commercial disputes are to be finalised quickly, so that commercial certainty is preserved. Allowing vague or unsubstantiated personal difficulties to excuse delay would erode this objective and frustrate the clear policy of prompt disposal.

24. While courts retain jurisdiction to condone delay in truly exceptional circumstances where “*sufficient cause*” is shown, the Appellant has not discharged that burden here. The reasons offered are vague, uncorroborated and, in effect, self-induced. On the material before us, they do not meet the threshold required to overcome the statutory bar of limitation and therefore cannot be accepted as a basis for condonation.

DECISION:

25. Having considered the material on record, we are of the firm view that CM APPL. 47666/2024 is bereft of any cogent or persuasive justification. The explanations advanced are vague, unsupported by evidence, and do not rise to the level of “*sufficient cause*” within the



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meaning of Section 5 of the Limitation Act. In particular, the proffered grounds are either purely clerical or self-inflicted by the Appellant's internal decision-making and the unexplained personal exigencies of counsel; none of these circumstances constitutes the exceptional, unavoidable impediment that the law requires.

26. In view of the foregoing, and without entering upon the substantive merits of the dispute, the present Appeal is liable to be dismissed solely on the ground of delay. Accordingly, the Appeal is dismissed as barred by limitation.

27. The present Appeal, along with the pending application(s), is disposed of in the above terms.

28. No order as to costs.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
DECEMBER 02, 2025/sm/her