IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

COMMERCIAL APPEAL NO.490 OF 2024

BETWEEN:

REGIONAL MANAGER
IRCTC, No.82
1ST FLOOR, SMR ARCASE
DR. RAJKUMAR ROAD
2ND BLOCK, RAJAJINAGAR
BENGALURU-560 010

...APPELLANT

(BY SRI. ABHINAY Y. T., ADVOCATE)

AND:

1. AMULYA ENTERPRISES
   REP. BY ITS PROPRIETOR MAHESH KUMAR
   HAVING ITS OFFICE AT No.37
   8TH CROSS, KGE LAYOUT
   RMV 2ND STAGE
   RAJAJINAGAR
   BENGALURU-560 094

2. GROUP GENERAL MANAGER
   (SOUTH ZONE), IRCTC
   No.6A, THE RAIN TREE PLACE
   No.9, MC NICHOLS CHETPET
   CHENNAI-600 031

3. INDIAN RAILWAY CATERING AND TOURISM
CORPORATION LTD. (IRCTC)
REP. BY ITS CHAIRMAN AND MANAGING DIRECTOR
B-148, 11ST FLOOR
STATESMAN HOUSE
BARAKHAMBA ROAD
NEW DELHI 110 001

…RESPONDENTS

(BY SRI. N. S. SRIRAJ GOWDA, ADV. FOR R1;
V/O DATED 22.06.2026, NOTICE TO R2 & R3 IS DISPENSED WITH)

THIS COMAP IS FILED UNDER SECTION 37 OF THE ARBITRATION AND CONCILIATION ACT, 1996 R/W SEC.13(1-A) OF COMMERCIAL COURTS ACT, 2015, PRAYING TO SET ASIDE THE JUDGMENT DATED 11TH OF JUNE 2024, PASSED BY THE LEARNED LXXXVII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-88), IN COM.OS NO.375 OF 2021, AND CONSEQUENTLY DISMISS THE SUIT.

THIS COMMERCIAL APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 19.08.2026 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **ANU SIVARAMAN J.,** PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE T.P.VIVEKANANDA

CAV JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

This Commercial Appeal is filed under Section 13(1A) of the Commercial Courts Act, 2015 challenging the judgment and decree dated 11.06.2024 passed by the LXXXVII Additional City Civil and Sessions Judge (Exclusive Commercial Court), Bengaluru City (CCH-88) ('Commercial Court' for short) in Com.O.S.No.375/2021, whereby the suit instituted by the plaintiff was decreed.

2. We have heard Shri. Abhinay Y.T, learned counsel appearing for the appellant and Shri. N.S. Sriraj Gowda, learned counsel appearing for respondent No.1.

3. The appeal has been filed on 19.11.2024 with a delay of 92 days. I.A.No.01/2026 is filed seeking condonation of the said delay. In the affidavit filed in support of the application seeking condonation of delay, it is stated that the judgment was pronounced on 11.06.2024, the certified copies were applied for on 18.07.2024 and delivered on 12.08.2024 and that the copies were thereafter forwarded to the appellant's office. It is stated that the time

taken to obtain approval from the head office resulted in the delay. An additional affidavit has been filed by the learned counsel appearing for the appellant, wherein it is stated that after the suit had been posted for judgment, pronouncement was adjourned on several occasions. It is stated that the learned counsel did not appear on 11.06.2024 under the impression that pronouncement would again be adjourned. It is stated that he became aware of the judgment in July 2024 and applied for certified copies on 18.07.2024. It is further stated that there was a bereavement in the counsel's family. It is also stated that the appellant was advised to await the outcome of Com.AP.No.345/2022, in which a similar question relating to limitation was pending.

4. The learned counsel appearing for the appellant submits that the delay was neither deliberate nor intentional. It is contended that the appeal raises substantial grounds and that the appellant would be prejudiced if the appeal is not considered on merits.

5. The learned counsel appearing for respondent No.1 opposes the application. It is submitted that neither

the original affidavit nor the additional affidavit discloses sufficient cause for the delay. It is contended that the earlier adjournments of pronouncement do not explain the failure of the appellant or its counsel to ascertain whether judgment had been pronounced on 11.06.2024. It is further submitted that no particulars of the steps taken to obtain approval from the head office have been furnished and that the pendency of another appeal did not prevent the appellant from filing the present appeal within time. Reliance is also placed on the order passed in Commercial Appeal No.493/2022, wherein this Court declined to condone the delay in similar circumstances, following the decision of the Apex Court in the case of ***Government of Maharashtra (Water Resources Department) v. Borse Brothers Engineers and Contractors (P) Limited*** reported in ***(2021) 6 SCC 460***.

6. We have considered the contentions advanced and perused the averments made in the affidavits. The Apex Court in ***Borse Brothers'*** *case* (supra) has clearly held that sufficient cause for condonation of delay must be assessed

in the context of the statutory object of speedy resolution of disputes. The Apex Court held the following:-

> ***"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 , has held : (SCC pp. 85-88, paras 9-15)*
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> > *"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.

10. In Arjun Singh v. Mohindra Kumar 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.

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.

14. In P. Ramachandra Rao v. State of Karnataka 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 .

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."*
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> *x x x x x*
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> ***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."*

7. The Apex Court, in ***Postmaster General v. Living Media India Ltd*** reported in ***(2012) 3 SCC 563***, held that ordinary movement of files through administrative channels, without a reasonable and acceptable explanation showing *bona fide* efforts, cannot constitute sufficient cause.

Government departments and their instrumentalities are equally bound by the law of limitation and must pursue their remedies with diligence. Further, in ***Jharkhand Urja Utpadan Nigam Ltd. v. Bharat Heavy Electricals Ltd*** reported in ***2025 INSC 533***, while considering delay in an appeal under Section 13(1A) of the Commercials Court Act, the Apex Court reiterated the obligation of a litigant and its counsel to monitor the proceedings and take timely steps to obtain the judgment. The Apex Court declined to interfere with the refusal to condone the delay of 301 days in filing the commercial appeal.

8. Further, in ***Shivamma (Dead) by LRs v. Karnataka Housing Board*** reported in ***2025 INSC 1104,*** while considering condonation of delay in a second appeal, the Apex Court held that a party invoking Section 5 of the Limitation Act must explain the course of events from the commencement of limitation until the actual filing of the appeal. Its inquiry is therefore not confined to a bare explanation for the days falling after the prescribed period expired. The Court clarified that the length of the delay may

be relevant, but the acceptability of the explanation is decisive. The Court also recognised that "sufficient cause" must be assessed on the facts of each case and that a justice-oriented approach remains available where the explanation genuinely warrants it. It was held that administrative lethargy or laxity cannot itself constitute sufficient cause.

9. In the instant case, the judgment was pronounced on 11.06.2024, whereas the application for certified copies was made on 18.07.2024. The fact that pronouncement had been adjourned on earlier occasions may account for counsel's impression on the date of judgment. It does not explain the failure to ascertain the result thereafter. The steps taken during that period to verify the status of the suit are not disclosed. The copies were delivered on 12.08.2024. However, the appeal was filed only on 19.11.2024. The statement that they were forwarded to the appellant's office and that approval was thereafter obtained from the head office is unsupported by particulars. The affidavits do not disclose when the proposal

for filing an appeal was placed before the competent authority, what steps were taken upon its receipt, or when approval was granted. The reference to a bereavement in counsel's family is also unaccompanied by particulars explaining its effect on the filing of the appeal.

10. The advice to await the outcome of Com.A.P.No.345/2022 does not furnish sufficient cause for failing to prefer the present appeal within time. The pendency of that appeal did not prevent the appellant from instituting this appeal. The contention that the appellant has a case on merits also cannot dispense with the requirement of showing sufficient cause for the delay.

11. In the above view of the matter, we are of the opinion that the appellant has failed to establish sufficient cause for condonation of the delay. Accordingly, IA No.1/2026 seeking condonation of delay is ***dismissed***. Consequently, the appeal is also ***dismissed***.

All pending interlocutory applications shall also stand *disposed of.*

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(T.P.VIVEKANANDA)
JUDGE

cp*