IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). OF 2026
[@ SLP (C) No. OF 2026]
[@ Diary No. 69412 of 2025]

UNION OF INDIA & ORS. **Appellant(s)**

VERSUS

M/S SHYAMA CHARAN AGARWALA & SONS, ENGINEERS & BUILDERS & ORS. **Respondent(s)**

O R D E R

1. Delay condoned.

2. Leave granted.

3. This appeal arises from an order dated 05.05.2025 passed in a writ petition under Article 227 of the Constitution of India by which the High Court has set aside the order dated 26.11.2024 passed by the Commercial Court, by which delay of 29 days in filing commercial appeal was condoned.

4. Facts giving rise to the present appeal in a nutshell are that three commercial contracts were executed between the appellants and the respondents for providing married accommodation in Goa Naval Area. Sometime in 1996, the respondents instituted a suit seeking an interim protection against cancellation and sought a restraint against the appellant(s) from re-tendering the contract. The Civil Judge by an order dated 24.05.1996 granted leave under Section 80(2) of the Civil Procedure Code to institute a suit without prior

notice and after hearing the parties directed that the appellant(s) shall not alter or modify the executed contract norms. Eventually the suit filed by the respondent(s) was decreed vide judgment and decree dated 04.11.2023.

5. Being aggrieved, the appellants filed an appeal under 13(1A) of the Commercial Courts Act, 2015 along with an application for condonation of delay of 29 days in filing the same. The Commercial Appellate Division by an order dated 26.11.2024 condoned the delay of 29 days in filing the appeal.

6. The respondent(s) challenged the said order in a Writ Petition under Article 227 of the Constitution of India. The High Court by impugned order dated 05.05.2025 has found that sufficient cause for condonation of 29 days delay was not made out. Accordingly, the order dated 03.02.2025 passed by the Commercial Appellate Division was set aside. In the aforesaid factual ground this appeal arises for our consideration.

7. We have heard learned counsel for the parties at length.

8. It is trite law that the expression "sufficient cause" should receive a liberal construction so as to advance the cause of justice. In the facts and circumstances of the case, we are satisfied that the sufficient cause of condonation of delay of 29 days in filing the appeal is made out. The High Court has adopted a hyper technical approach while dealing with the prayer for condonation of delay of 29 days. The impugned order dated 05.05.2025 is, therefore, set aside. The delay in filing the appeal is condoned.

9. In the peculiar facts and circumstances of the case, the

appellant(s) are directed to deposit a cost of Rs. 10,000/- before the Commercial Appellate Court within a period of one month from today. The Commercial Appellate Court shall dispose of the appeal expeditiously preferably within a period of three months from today. Accordingly, the appeal is disposed of.

……J.
[PAMIDIGHANTAM SRI NARASIMHA]

……J.
[ALOK ARADHE]

NEW DELHI;
APRIL 21, 2026

ITEM NO.25 COURT NO.6 SECTION IX-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 69412/2025

[Arising out of impugned final judgment and order dated 05-05-2025 in WP No. 65/2025 passed by the High Court of Judicature at Bombay at Goa]

UNION OF INDIA & ORS. Petitioner(s)

VERSUS

M/S SHYAMA CHARAN AGARWALA AND SONS & ORS. Respondent(s)

[ONLY I.A. NOS. 55241/2026 AND 55305/2026 IN Diary No. 69412/2025 ARE LISTED UNDER THIS ITEM.]
IA No. 55305/2026 - APPLICATION FOR VACATION OF INTERIM ORDER
IA No. 55241/2026 - APPROPRIATE ORDERS/DIRECTIONS

Date : 21-04-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ALOK ARADHE

For Petitioner(s) :Ms. Aishwarya Bhati, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Ms. Shreya Jain, Adv.
Ms. Shivika Mehra, Adv.
Ms. Chitrangda Rasatavara, Adv.
Mr. Varad A Kilor, Adv.
Mr. Rohit Ojha, Adv.

For Respondent(s) :Mr. Somiran Sharma, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Application for deletion of respondent nos. 3 to 10 are allowed.

2. Delay condoned.

3. Leave granted.

4. The Civil Appeal is disposed of in terms of the Signed Order.

5. Pending application(s), if any, shall stand disposed of.

(KAPIL TANDON) **(NIDHI WASON)**
COURT MASTER (SH) **ASSTT. REGISTRAR(NSH)**

(Signed Order is placed on the file)