2026 INSC 674

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2026
(Arising out of SLP (C.) No. 13250 of 2026)

M/S. LEVITATE MOBILE TECHNOLOGIES PVT. LTD. … APPELLANT(S)

VERSUS

M/S. STANDARD CHARTERED BANK & ANR. … RESPONDENT(S)

J U D G M E N T

SANJAY KAROL, J.

1. Leave granted.

THE APPEAL

2. The appellant[1] was approached by respondent[2] for the purposes of developing and managing a mobile application, commonly known as an '*app*'. An IT

[1] LMT
[2] SCB

Professional Services Agreement was entered into, to that effect on 19th February 2013. The process therefor was undertaken allegedly in earnest, and hours of laborious effort was put in, culminating in the *app* being launched across the *Android* and *iOS* systems. Shortly, thereafter, however, the SCB instructed LMT to take down the said *app*. This was the beginning of the dispute. Since the Agreement housed a revenue sharing clause, the latter alleged losses and set the legal process afoot by sending a legal notice dated 15th April 2015, asking SCB to pay Rs. 4,46,50,000 along with interest at 18% p.a. Such a claim was denied, leading to the filing of Civil Suit (OS) No.1705 of 2015 before the High Court of Delhi. Parties completed the pleadings by filing written statement(s) and replication thereto. Issues were framed on 16th November 2016. Thereafter, LMT filed an application seeking to place on record additional documents, which was allowed on 30th January 2018. On the same day, an order was passed renumbering the suit as CS(Comm.) 169 of 2018.

2.1 After some other proceedings, the evidence of one Sunil Jasuja who was examined as PW-1 was completed on 9th May 2023.

2.2 LMT sought to file another application being IA No. 24359 of 2023 to bring on record additional documents and recall PW-1 as a witness for examination. What was sought to be brought on record was ***(i)*** e-mails exchanged between LMT and SCB; ***(ii)*** the copy of the agreements entered into between the LMT and other vendors; and ***(iii)*** backend data stored in servers.

2.3 The learned Single Judge *vide* judgment dated 12th February 2025 rejected this application, applying the '*reasonable cause*' test, holding that there was no reason whatsoever, explained in any manner for the delay in filing this application. LMT *slept over the documents* and sought to produce the same, as mentioned in the application, to fill in the

gaps in the evidence of PW-1. It was then concluded that allowing the application would be against the objective of the Commercial Courts Act, 2015[3].

3. Mr. Gopal Sankaranarayanan, learned senior counsel appeared for LMT. Mr. Sanjay Gupta, and Mr. Ateev Mathur, learned counsel represented SCB. Heard. Perused and considered the written arguments of the parties.

4. What we are required to adjudicate is whether LMT's prayer denied by the High Court is in accordance with law.

UNDERSTANDING THE COMMERCIAL COURTS ACT

5. Disputes of this nature, obviously civil, are governed by the Civil Procedure Code, 1908[4]. Various timelines have been mentioned therein for the procedure of civil suits. Section 34, CPC describes what a commercial suit is, saying as follows:

> 34… … … …
> Explanation II.—For the purposes of this section, a transaction is a commercial transaction, if it is connected with the industry, trade or business of the party incurring the liability.]

6. The recognition that, in view of the changing landscape of business, the law must adapt, is more than two decades old now. Under the chairmanship of M. Jagannadha Rao J., a former Judge of this Court, the Law Commission, in 2003, back in 2003 *vide* its 188th Report, proposed the setting up of Commercial Divisions in the High Courts. Pursuant thereto, a bill by the name of Commercial Division of

[3] CCA
[4] CPC

the High Court Bill, 2009 was introduced. In 2015, the Law Commission once again took up this issue and the 253rd Report under A.P Shah, CJ (Retd.), was presented in 2015, setting up the enactment of CCA.

7. We are now discussing the Scheme of CCA, which consists of 7 Chapters, 23 Sections and 1 Schedule. It is an Act providing for the constitution of commercial courts, commercial divisions and commercial appellate divisions in the High Courts specifically to deal with commercial disputes of specified value. A commercial dispute is defined under Section 2(1)(c). Specified value is defined in Section 2(1)(i). Chapter II, Sections 3 to 11, provides for constitution of these Courts, their jurisdiction, bar against exercise of revisional powers in connection with interlocutory orders. Chapter III discusses determination of specified value and Chapter III-A provides for pre-institution mediation and settlement. Chapter IV and V deal with appeals and transfer of pending suits, respectively. Chapter VI, in furtherance of the objective, provides for amendment in CPC, in as much as they apply to commercial suits. The schedule appended thereto deals with these specific amendments *viz.,* disclosure and discovery of documents; summary judgments; case management hearings etc. A perusal of the provisions of this Act clearly indicates the underlying intention of expediency in deciding commercial disputes. Following is a table of examples:

STAGE	**PERIOD**	**SECTION**	**NATURE**
Pre-institution mediation	3 months, extendable by 2 months (with consent of the parties)	S.12A Ins. by s. 11, Act 28 of 2018, (w.e.f. 3-5-2018).	Mandatory precondition (subject to "urgent interim relief")
Limitation of filing suit	Period spent in pre-institution mediation is excluded	S.12A(3) Ins. by s. 11, Act 28 of 2018, (w.e.f. 3-5-2018).	-

Filing of written statement	30 days - 120 days from service	Order VIII, Rule 1 CPC (Schedule)	Mandatory; right to file forfeited beyond 120 days.
Appeal from decree/order	60 days from judgement/ order	S.13(1A)	-
Disposal of appeal	6 months from filing	S.14	-
Pronouncement of judgment	90 days from conclusion of arguments	Order XX, Rule 1 CPC (Schedule)	-
If plaintiff seeks to rely on additional documents	Additional documents shall be filed in court within thirty days of filing the suit	Order XI, Rule 1 (4) CPC (schedule)	-
Inspection of all documents by parties	Within thirty days of the date of filing of the written statement or written statement to the counterclaim, whichever is later	Order XI, Rule 3 CPC (schedule)	-
Production of documents by parties upon issuance of notice to produce	Not less than seven days and not more than fifteen days	Order XI, Rule 5 CPC (schedule)	-
Pronouncement of judgements by Commercial Court, Commercial Appellate Court, Commercial Division, or Commercial Appellate Division	Within ninety days of the conclusion of arguments	Order XX, Rule 1 CPC (schedule)	-

7.1. This Court in ***Ambalal Sarabhai Enterprises Ltd. v. K.S. Infraspace LLP***[5] *inter alia* expounded on the scope and object of CCA in the following terms:

> (1) "Various provisions of the Act, namely, case management hearing and other provisions makes the court to adopt a pro-active approach in resolving the commercial dispute."

[5] (2020) 15 SCC 585

(2) "A new approach for carrying out case management and strict guidelines for completion of the process has been introduced so that the adjudicatory process is not delayed."

(3) "Various provisions of the Act referred to above and the amendments inserted to the Civil Procedure Code by the Schedule is to ensure speedy resolution of the commercial disputes in a time bound manner."

(4) "The intent of the legislature seems to be to have a procedure which expedites the disposal of commercial disputes and thus creates a positive environment for investment and development and make India an attractive place to do business."

(5) "A purposive interpretation of the Statement of Objects and Reasons and various amendments to the Civil Procedure Code leaves no room for doubt that the provisions of the Act require to be strictly construed."

(6) "If we take a closer look at the Statement of Objects and Reasons, words such as "early" and "speedy" have been incorporated and reiterated."

7.2 Further, this Court, while holding the nature of Section 12-A of the CCA to be mandatory and granting *imprimatur* to the rejection of a plaint for non-compliance therewith observed in ***Patil Automation (P) Ltd. v. Rakheja Engineers (P) Ltd.***[6] as follows**:**

"**70.** Timelines are contemplated, both in the matter of pleadings and also other steps to be taken. They are geared to ensure an expeditious culmination of the proceedings…

On a conspectus of the Act, as from its birth till the lawgiver stepped in with the amendment in 2018, the Act read with the Rules represent an economic experiment as much as it deals more directly with a vital aspect of administration of justice. Commercial disputes have been clearly identified. The value has been fixed. Courts, at different stages, have been contemplated. Timelines are contemplated. The whole object of the law is clear as daylight. Disputes of a commercial hue, must be extinguished with the highest level of expedition. The dispute resolution would witness a

[6] (2022) 10 SCC 1

termination of the lis between the feuding parties. But even, more importantly, it would prepare the ground for the country becoming a destination attracting capital by enhancing the ease of doing business."

(emphasis supplied)

8. In this background, we move to the issue at hand i.e., leave of the Court to file additional documents. The application filed by LMT is under Order XI Rule 1 and Rule 5 of the Code of Civil Procedure, 1908 (as amended by the Commercial Courts Act, 2015) which pertains to Disclosure, Discovery and inspection of documents in suits before the Commercial Division of a High Court or a Commercial Court and Order XVIII Rule 17. Paragraph 10 of the application explains the reasons for the delay to be, ***(i)*** large quantum of emails including trail mails with numerous attachments; ***(ii)*** difficulty keeping track thereof, despite due diligence; ***(iii)*** voluminous record over a long timeline; and ***(iv)*** Specific averments were made for the first time in the cross-examination of PW-1, which were hitherto, absent in the pleaded case of SCB;

9. It is further urged therein that no additional averments are being made and LMT is only substantiating the existing case.

10. This Court in ***Sudhir Kumar vs. Vinay Kumar G.B***.[7], further clarified that on a combined reading of Order XI Rule 1(4) and (5) it flows that the plaintiff is obliged to file document in its possession along with the plaint though it can seek leave to file and rely on file additional documents, if so desired, within 30 days of filing of the suit and that too after making out a reasonable cause for non-disclosure thereof. Reasonable cause and justification explaining the subsequent discovery thereof needs to be well established.

[7] (2021) 13 SCC 71

11. A three-judge Bench of this Court, through R.F Nariman J., in ***State of Maharashtra vs. Borse Bros. Engineers & Contractors (P) Ltd.***[8], while discussing the interplay between the CCA and the Arbitration and Conciliation Act, 1996 held thus on '*sufficient cause*' 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)
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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. (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*

[8] (2021) 6 SCC 460

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.

… … …

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] .
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> 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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> (emphasis supplied)

12. One of the grounds raised by LMT is assailing the impugned order was that the Court had applied the '*sufficient cause'* standard whereas the actual standard to be applied was '*reasonable cause*'. The Court in ***Sudhir Kumar*** (supra) said that it was reasonable cause that was to be shown. On this count, LMT may be correct, but we still refuse to interfere with the findings of the impugned order. This is for the reason that when the facts are viewed on the whole, even through the lens of '*reasonable cause*', even on the plaintiff's pleaded position that the latter rests on a lower threshold, no justification emerges. The suit is at the stage of plaintiff - evidence, after the issues were framed in 2016. For whatever reason, the examination of the first of the plaintiff's witnesses could take place only in 2023, and after the evidence of its own witness, the plaintiff wants to produce more documents, on the ground that certain new facts emerged during cross-examination. That may not be justified since it is well established that the plaintiff when leading

evidence, is expected to not only produce all documents but also properly anticipate the questions that may be put to its witnesses by the other side. What cannot be countenanced is a stop and go or a piecemeal approach. Voluminous evidence too, is entirely an uninspiring ground.

13. The conclusion of the above decisions has to be that, evidence, however voluminous, cannot water down the statutory intent and rigours of the statute. The force of this proposition alone is sufficient, but when it is understood in the light of the facts of this case, it becomes clearer. One round of additional evidence was already allowed to be produced and placed on record. All the documents that are sought to be produced by way of the present application were in the possession of LMT, both at the time of filing the plaint and the subsequent additional evidence. If the present application is allowed, what this Court would be essentially doing is condoning a piecemeal approach to the proceedings of a commercial suit the procedure for which has entirely been conceived for promoting the ease of business and recognising the need for expediency in resolving high stakes disputes.

14. At this stage, it is important for us to consider some of the arguments advanced by LMT. The *first* is that the relevance of the documents sought to be produced must be considered. The *second* that, the application of the higher threshold to this case would amount to '*piecemeal application*' of the CCA. We are of the considered view that both these arguments have to be rejected.

14.1 The rejection of the first argument, we make it clear, is in the overall facts and circumstances of this case. The suit in question was filed in 2015. As of 2026, plaintiff's evidence is ongoing. We may say that even a snail may question the speed at which this trial is proceeding. When this reality is juxtaposed with the intent of the legislation and the malady it sought to cure within civil and specifically business litigation in India, the

contrast is stark. At the cost of repetition, it be stated that all these documents were in the possession of LMT and ought to have been produced at the first instance if not later, during the time when for the first time a similar application was filed. That apart, when we consider the reasons for filing of additional documents in the first round, i.e., [IA NO.12696 of 2017] we find that they are substantially similar to the grounds raised in the present application. There too, what was sought to be produced were emails exchanged between the parties that were apparently discovered during the preparation for the next date of hearing. One other ground raised was that no prejudice would be caused to any party by doing so, since '*no cross examination of witnesses has begun in the present case*'. A further reason that according to LMT granted them reason to file additional documents was that SCB had merely denied the claims of LMT. Even at that time, it was claimed that there was a huge volume of records.

14.2 The second argument is that the strict nature of CCA cannot be applied to the present dispute. This came to be specifically answered by the impugned judgment holding that the provisions of CCA would apply even to pending cases. We fail to understand how such an argument could be advanced. The statute has made its own application abundantly clear. Section 15 CCA which is under the heading '*transfer of pending suits*' provides that ***(i)*** all suits and applications; ***(ii)*** of specified value; and ***(iii)*** shall be transferred to Commercial Division/Court as the case may be. Sub-section (3) provides clearly that upon transfer of such suit or application the procedures of the CCA shall apply thereto. The intent of the application of CCA to all pending matters is further elucidated by sub-

section (5) which provides that if a transfer to the Commercial Division/Court does not take place as provided, any party may make an application before the Court to transfer the same. The only exception that has been provided against such transfer is for those cases where judgment has been reserved.

15. The collective conclusion for both these arguments is that Order XI of the CPC, which was made applicable to commercial suits with effect from 23rd October 2015 by Act 4 of 2016, and, particularly Order Rule 1(4) thereof provides an exception to file additional documents within thirty days of the date of filing the suit, provided it was urgent, and with the leave of the Court. The same had to be filed with a declaration that all relevant documents stand produced. Therefore, even at the time of the *first* application, this provision was in the books and was applicable. *Secondly*, the statute itself provides for its application to pending matters and so considering the overall picture that emerges, we cannot help but record our agreement to the view ascribed by the learned Single Judge of the High Court.

16. It cannot be disputed that the suit originally initiated on 27th May 2015, was renumbered and registered as a commercial suit under the CCA on 30th January 2018, the very same date on which the appellant's first application for placing on record the additional documents stood allowed and it was only on 18th November 2023 i.e., after a period of more than 5 years that a subsequent application taking the very same plea was filed which stood rejected on 12th February 2025, finding LMT not to have furnished any reasonable cause or justifiable explanation.

17. We in toto agree with the conclusion arrived at by the Court in terms of the impugned order since no case for interference is made out by the appellant. The appeal is dismissed with a direction, however, that the suit be decided as expeditiously as possible. No costs.

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

…….J.
(SANJAY KAROL)

…….J.
(NONGMEIKAPAM KOTISWAR SINGH)

New Delhi;
July 09, 2026