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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
23.
+ **ITA 217/2016**

COMMISSIONER OF INCOME TAX(EXEMPTION)..... Appellant
Through: Mr. P.Roy Chaudhuri, Senior Standing counsel with Ms. Laxmi Gurung, Advocate.

versus

ABUL KALAM AZAD ISLAMIC AWAKENING CENTRE ..... Respondent

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE VIBHU BAKHRU

<u>O R D E R</u>
% **30.03.2016**

<u>CM No. 11662 of 2016(delay) & ITA 217 of 2016</u>

1. There is an inordinate delay of 938 days in re-filing the appeal

2. The Court finds that the standard excuse that the department is putting forth in all such applications for condonation of delay in re-filing the appeal is the change of Standing Counsel for the Department and the failure by the earlier counsel to inform the Department about the appeal lying in defect. This explanation does not impress the Court. It is not possible to accept that no one in the Department followed up on the filing of appeal and allowed a period of more than two and half years to elapse before the appeal could be re-filed. The Department has a cell in the High Court which is under the supervision of a Deputy CIT. He ought to be keeping track of the filing of

appeals and should be able to know if any appeal entrusted to the panel counsel for filing has not been listed even once before the Court for a long time.

3. The application, CM No. 11662 of 2016, for condonation of the delay of 938 days in re-filing the appeal, is dismissed. Consequently, the appeal is dismissed.

S.MURALIDHAR, J

VIBHU BAKHRU, J

MARCH 30, 2016
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