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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ITA 187/2016

COMMISSIONER OF INCOME TAX (EXEMPTIONS).... Appellant
Through: Ms. Lakshmi Gurung, Advocate.

versus

POORVA SANSKRITI KENDRA

..... Respondent

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE VIBHU BAKHRU

ORDER

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11.03.2016

CM No. 8971/2016 (for exemption)

1. Exemption allowed subject to all just exceptions.

2. The application is disposed of.

CM No. 8972/2016 (for condonation of delay of 917 days in re-filing the appeal) & ITA 187/2016

3. There is an inordinate delay of 917 days in re-filing the appeal.

4. 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 two-fold. The first is regarding the practice directions issued by the Court pertaining to filing of soft copies of the paperbooks in tax matters. The second is regarding the change of Standing Counsel for the Department and

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the failure by the earlier counsel to inform the Department about the appeal lying in defect.

5. As regards the first ground, sufficient advance notice had been given to the litigants and Advocates about the filing of soft copies of the paperbooks. Further, the Registry of the Court had made appropriate arrangements for scanning services at the filing counters to facilitate the making of soft copies so that the inconvenience if any caused to the Advocates and the litigants is minimised.

6. As regards the second ground, it is not possible to accept that no one in the Department followed up on the filing of appeals and allowed a period of more than two and a 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.

7. The application bearing CM No. 8972/2016 for condonation of the delay of 917 days in re-filing the appeal is dismissed. Accordingly, the appeal is dismissed.

S. MURALIDHAR, J

VIBHU BAKHRU, J

MARCH 11, 2016/dn

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