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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ITA 234/2016

PR. COMMISSIONER OF INCOME TAX-16 Appellant
Through: Mr. P. Roy Chaudhari, Advocate.

versus

YASH PAL NARENDER KUMAR Respondent

CORAM:
JUSTICE S. MURALIDHAR
JUSTICE VIBHU BAKHRU

ORDER
05.04.2016

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ITA No. 234/2016 & CM APPL No. 12611/2016 (for delay of 936 days in re-filing the appeal)

1. There is an inordinate delay of 936 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 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 first ground is entirely unconvincing as 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.
3. The second ground is regarding 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 appeals and allowed a period of more than two years 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.

4. The application CM No. 12611/2016 for condonation of the delay of 936 days in re-filing the appeal is dismissed. Accordingly, the appeal is dismissed.

S. MURALIDHAR, J

VIBHU BAKHRU, J

APRIL 05, 2016

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