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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ **ITA 573/2016**

DIRECTOR OF INCOME TAX-(EXEMPTION) ..... Appellant
Through: Mr. Zoheb Hossain, Sr. Standing Counsel with Mr. Deepak Anand, Advocate.

versus

INDIAN YOUTH CENTRE TRUST ..... Respondent
Through: Mr. Pranjal Srivastava, Advocate.

CORAM:
JUSTICE S. MURALIDHAR
JUSTICE NAJMI WAZIRI

<u>O R D E R</u>

% **05.08.2016**

<u>CM No. 28080/2016 (for condonation of delay of 851 days in re-filing the appeal) & ITA 573/2016</u>

1. There is an inordinate delay of 856 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 practice directions issued by the Court pertaining to filing of soft copies of the paperbooks in tax matters.

3. 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. In any event the

change could not have entailed a delay of more than two years.

4. It is not possible to accept that no one followed up on the filing of appeals and allowed a period of more than two 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.

5. The application bearing CM No. 28080/2016 for condonation of the delay of 856 days in re-filing the appeal is dismissed. Accordingly, the appeal is dismissed.

S.MURALIDHAR, J

NAJMI WAZIRI, J

AUGUST 05, 2016
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