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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
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+ **ITA 59/2016**

COMMISSIONER OF INCOME TAX-VIII ..... Appellant
Through: Mr. Rahul Chaudhary, Senior Standing Counsel withMr. Raghvendra Singh, Junior Standing counsel, Mr. Sharad Aggarwal, Advocate

versus

SMT. SHIRIN KAMALJIT SINGH ..... Respondent
Through: Mr. Prakash Kumar, Advocate.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE VIBHU BAKHRU

O R D E R

% **01.02.2016**

CM No. 974 of 2016 (for condonation of delay in re-filing the appeal) & ITA 59 of 2016

1. There is an inordinate delay of 875 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 appeals and allowed a

period of almost 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. In any event, the delay of almost two and a half years on this ground is wholly unacceptable. Consequently, the Court is not persuaded to condone the extraordinary delay of 875 days in re-filing the appeal.

3. The application is dismissed.

4. Consequently, the appeal is accordingly dismissed on grounds of extraordinary delay of 875 days in re-filing the appeal.

S.MURALIDHAR, J

VIBHU BAKHRU, J

FEBRUARY 01, 2016
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