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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ITA 54/2016

COMMISSIONER OF INCOME TAX-IV

..... Appellant

Through: Mr. Ashok K. Manchanda, Senior
Standing counsel.

versus

FRANKFINN AVIATION SERVICE PVT. LTD.

..... Respondent

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE VIBHU BAKHRU

ORDER

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29.01.2016

CM No. 967/2016 (for condonation of delay of 742 days in re-filing the appeal) & ITA No. 54/2016

1. There is an inordinate delay of 742 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 budgetary constraints of the Department which delayed payment of the differential court fees as a result of the Court Fees Delhi Amendment Act, 2012 which came into force on 1st August 2012. The second is regarding the practice directions issued by the Court pertaining to filing of soft copies of the paperbooks in tax matters.
3. The first ground is entirely unconvincing. Much prior to the initial filing

of the appeal, the Court Fees Act applicable to Delhi stood amended. As regards the second ground, again 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 lapse 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. Accordingly, the application for condonation of delay in re-filing the appeal is dismissed. The appeal is also dismissed.

S. MURALIDHAR, J

VIBHU BAKHRU, J

JANUARY 29, 2016
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