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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4790/2016

SATAKE INDIA ENGINEERING PVT. LTD. Petitioner
Through: Mr. Rajveer Singh, Advocate.

versus

COMMISSIONER OF SERVICE TAX Respondent
Through: Mr. Harpreet Singh, Senior Standing
Counsel with Ms. Namrata Bharti, Advocate.

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE CHANDER SHEKHAR

ORDER

03.05.2017

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1. The subject matter of the present petition are two Show Cause Notices ('SCNs') dated 19th April, 2010 and 19th October, 2010 issued by the Assistant Commissioner, Service Tax Department, New Delhi. In the first round, the Customs, Excise & Service Tax Appellate Tribunal ('CESTAT') by an order dated 5th February, 2014 directed the passing of a fresh order of adjudication after setting aside the earlier order. The Department's appeal against that order of the CESTAT was dismissed by this Court on 23rd September, 2014.

2. Since then no progress has been made towards the passing of the fresh adjudication order and that is what has prompted the filing of the present petition.

3. Notice was issued in the petition on 23rd May, 2016 and matter was heard on three occasions thereafter. On 23rd January, 2017, the Court required the Respondent to indicate why despite several directions no adjudication order had yet been passed afresh.

4. Today, the Court is informed that further documents have been submitted by the Petitioner since the previous date and that the adjudicating officer will proceed to pass the final order in a time bound manner.

5. It is directed that the Petitioner will appear through its authorised representative before the adjudicating officer at 11:00 am on 15th May, 2017 and the hearing on the SCNs will conclude not later than one month thereafter i.e., by 12th June, 2017. The fresh adjudication order will be passed not later than 10th July, 2017. The abovementioned time limits should be strictly adhered to. Both, the Petitioner and the Department will cooperate in ensuring that it is complied with. In the event the date fixed i.e., 15th May, 2017 is inconvenient to the adjudicating officer concerned, he will communicate a fresh date and time which will not be later than one week thereafter to the Petitioner and the Department at least one week in advance.

6. The petition is disposed of in the above terms. If there is any non-compliance with the directions issued, it will be open to either party to apply to this Court. Order *dasti*.

S. MURALIDHAR, J

CHANDER SHEKHAR, J

MAY 03, 2017/dn