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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ITA 599/2016 & CM APPL 29877/2016 (delay)

COMMISSIONER OF INCOME TAX-IV

..... Appellant

Through: Mr. Ruchir Bhatia with Mr. Puneet Rai,
Advocates.

versus

INDO GULF INDUSTRIES LTD

..... Respondent

Through: Ms. Kavita Jha with Ms. Roopali Gupta,
Advocates.

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE VINOD GOEL

ORDER

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22.05.2017

CM APPL 29877/2016 (delay of 1045 days in re-filing) & ITA 599/2016

1. There is an inordinate delay of 1045 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 three 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.

3. The application for condonation of the delay of 1045 days in re-filing the appeal is dismissed. Accordingly, the appeal is dismissed.

S.MURALIDHAR, J

VINOD GOEL, J

MAY 22, 2017

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4441/2017 & CM APPL 19390/2017 (stay)

LS CABLE & SYSTEM LTD

..... Petitioner

Through: Mr. Tarun Gulati with Mr. Shashi Mathews, Mr. Ankit Sachdeva, Mr. Sparsh Bhargava, Ms. Rachana Yadav, Mr. Kishore Kunal and Mr. Manish Rastogi, Advocates.

versus

COMMISSIONER OF INCOME TAX & ORS Respondents

Through: Mr. Ruchir Bhatia, Advocate.

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE VINOD GOEL

ORDER

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22.05.2017

1. Notice. Mr. Ruchir Bhatia, learned counsel accepts notice on behalf of the Respondents. A complete set of paper book be supplied to him during the course of the day. Learned counsel for the Respondents seeks time to obtain instructions.

2. List on 30th May, 2017.

S.MURALIDHAR, J

VINOD GOEL, J

MAY 22, 2017/Rm

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4497/2017 & CM APPL 19649/2017 (stay)

MICROMAX INFORMATICS LIMITED & ANR Petitioner

Through: Mr. Tarun Gulati with Mr. Shashi Mathews, Mr. Ankit Sachdeva, Mr. Sparsh Bhargava, Ms. Rachana Yadav, Mr. Kishore Kunal and Mr. Manish Rastogi, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Harpreet Singh, Senior standing counsel for R-2 to R-4.

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE VINOD GOEL

ORDER

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22.05.2017

1. Learned counsel for the Petitioner seeks permission to withdraw the petition at this stage with liberty to urge all the points raised in this petition before the adjudicating authority including the question regarding jurisdiction.

2. The petition is dismissed as withdrawn with liberty as prayed for. The pending application also stands dismissed.

S.MURALIDHAR, J

VINOD GOEL, J

MAY 22, 2017/Rm

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4500/2017

GYPSUM STRUCTURAL INDIA PVT LTD Petitioner
Through: Mr. Vineet Bhatia, Advocate.

versus

COMMISSIONER OF VALUE ADDED TAX Respondent
Through: Mr. Siddharth Dutta, Advocate.

CORAM:
JUSTICE S. MURALIDHAR
JUSTICE VINOD GOEL

ORDER

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22.05.2017

WP (C) 4500/2017

1. Notice. Mr. Siddharth Dutta, learned counsel accepts notice on behalf of the Respondent. He seeks time to obtain instructions.

2. List on 29th May, 2017.

S.MURALIDHAR, J

VINOD GOEL, J

MAY 22, 2017

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IN THE HIGH COURT OF DELHI AT NEW DELHI

ITA 407/2017

INTERATED DATA BASE & RESEARCH CENTRE
PVT. LTD.

..... Appellant

Through: Ms. Shyamalima Borah, Advocate

versus

PRINCIPAL COMMISSIONER OF INCOME
TAX -4

..... Respondent

Through: Mr. Ruchir Bhatia with Mr. Puneet Rai,
Advocates.

CORAM:
JUSTICE S. MURALIDHAR
JUSTICE VINOD GOEL

ORDER
22.05.2017

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CM APPL 18642/2017 (For exemption)

1. Allowed, subject to all just exceptions.

ITA No. 407/2017

2. At the request of learned counsel for the Appellant, adjourned to 7th July,
2017.

S.MURALIDHAR, J

VINOD GOEL, J

MAY 22, 2017/Rm

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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 3837/2017

H.P. & SONS & ANR Petitioners

Through: Mr. Rakesh Tiku, Senior counsel with
Mr. P. Roy Chaudhuri, Advocate.

versus

DGIT (INVESTIGATION), DELHI & ORS Respondents

Through: Mr. Zoheb Hossain, Senior standing
counsel.

CORAM:
JUSTICE S. MURALIDHAR
JUSTICE VINOD GOEL

ORDER
22.05.2017

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1. Mr. Zoheb Hossain, learned Senior standing counsel for the Respondents produces a copy of the order dated 9th May, 2017 passed by the Assistant Commissioner of Income Tax, Circle 35 (1), New Delhi in the case of Petitioner No. 2, Pawan Kumar Aggarwal, Proprietor of M/s. Supreme Gold disposing of the application under the first proviso to Section 132 B (1) (i) of the Income Tax Act 1961. A copy of the said order has also been furnished to Mr. Tiku, learned Senior counsel for the Petitioner.

2. It will be open to the Petitioners to amend the writ petition to challenge the aforementioned order.

3. List on 10th July, 2017.

S.MURALIDHAR, J

VINOD GOEL, J

MAY 22, 2017

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