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* IN THE HIGH COURT OF DELHI AT NEW DELHI

\+ ITA 360/2017

COMMISSIONER OF INCOME TAX (INTERNATIONAL TAXATION)-3 ..... Appellant

Through: Mr. Sanjay Kumar, Advocate

versus

M/S SANTUR DEVELOPERS PVT.LTD. ..... Respondent

CORAM: JUSTICE S.MURALIDHAR
JUSTICE CHANDER SHEKHAR

O R D E R

% **31.05.2017**

CM No. 16907/2017

1. There is an inordinate delay of 443 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 practice directions issued by the Court pertaining to filing of soft copies of the paper books in tax matters. Sufficient advance notice had been given to the litigants and Advocates about the filing of soft copies of the paper books. 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 was minimised. In any event, the change could not have entailed a delay of more than 443 days.

3. Learned counsel for the Appellant pointed out a second reason i.e., change of Standing counsel for the Department. This again does not impress the Court. It is not possible to accept that no one followed up on the filing of appeals and allowed a period of more than 443 days 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.

4. The application for condonation of the delay of 443 days in re-filing the appeal is dismissed. Accordingly, the appeal is dismissed.

S. MURALIDHAR, J

CHANDER SHEKHAR, J

MAY 31, 2017
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