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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ **W.P.(C) 6225/2017 & C.M. No. 25854/2017 (directions)**

HATHWAY CABLE AND DATACOM LTD. ..... Petitioner
Through: Mr. Jayant Tripathi, Advocate with Mr. Dinesh Dahiya, Ms.Nayantara Roy, Advocates

Versus

GOVERNMENT OF THE NCT OF DELHI & ORS. ..... Respondents
Through: Mr. Sanjoy Ghose, ASC with Mr. Rishabh Jetley, Advocate.

CORAM: JUSTICE S.MURALIDHAR
JUSTICE PRATHIBA M. SINGH

O R D E R

% **24.07.2017**

C.M.No. 25855-56 /2017 (Exemptions)

1. Allowed, subject to all just exceptions.

W.P.(C) No. 6225/2017

2. Pursuant to the order passed by this Court on 9th March, 2017 in W.P.(C) No. 427/2014, the Petitioner again approached the Deputy Commissioner, Entertainment Tax, Delhi for review of the order dated 6th January, 2014 in Appeal No. 47/2013/38. It appears that the said review application has been dismissed by the impugned order dated 19/20th June, 2017 on the ground of

delay.

3. The Court is of the view that in the circumstances in which the review petition was filed pursuant to the leave granted by this Court to the Petitioner by the order dated 9th March 2017, the authority concerned ought to have accounted for the period during which the Petitioner was before this Court for the purposes of considering whether the delay should be condoned.

4. In the circumstances, the delay in filing the petition for review before the authority should be taken to be condoned. Accordingly the impugned order dated 19/20th June 2017 of the Deputy Commissioner, Entertainment Tax is hereby set aside. The Petitioner's application seeking recall of the order dated 6th January, 2014 should be treated as having been restored to the file of the Deputy Commissioner, Entertainment Tax, Delhi.

5. The Court has been shown a copy of the order dated 11th July, 2017 passed by the Supreme Court in SLP (Civil) 18570/2017 whereby the judgment of this Court dated 9th March, 2017 has been stayed by the Supreme Court. The effect of the notice dated 24th May, 2017 issued by the Commissioner, Excise, Entertainment and Luxury Tax, Vikas Bhawan, New Delhi has also been stayed.

6. Consequently, although the Court has restored to the file of the Deputy Commissioner, Entertainment Tax Delhi the application filed by the

Petitioner seeking review of the order dated 6th January, 2014, that application should await the outcome of the Special Leave Petition filed by the Department in the Supreme Court.

7. The petition is, accordingly, disposed of.

S.MURALIDHAR, J

PRATHIBA M. SINGH, J

JULY 24, 2017
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