IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER ORDER NO. 39 OF 2019
IN
CENTRAL EXCISE APPEAL (LDG.) NO. 99 OF 2016

The Commissioner of Service Tax. … Applicant.
V/s.
Siro Clinpharm Pvt.Ltd.. … Respondent.

Ms.P.S.Cardozo for the applicant.
Mr.Jas Sanghvi i/b. PDS Legal for the respondent

CORAM : A.S.OKA AND M.S.SANKLECHA, JJ.
DATE : 29th March 2019

P.C.:

Heard the learned counsel appearing for the applicant. The chamber order is opposed by the learned counsel appearing for the respondent by contending that there is no explanation for delay.

2. In the Central Excise Appeal filed by the appellant in the year 2016, there was a delay. A notice of motion for condonation of delay was made absolute on 19th December 2016. However, it appears that on 18th August 2016, a conditional order was passed granting two weeks' time for removal of office objections failing which the appeal was to stand dismissed for non-prosecution in exercise of powers under Rule 986 of the Bombay High Court (Original Side) Rules. It is true that there is a delay in taking out chamber order. However, the appeal is dismissed not

on merits but on the ground of failure to remove office objections. Due to fault of the advocate, the appellant cannot be allowed to suffer. Hence, this chamber order is made absolute. We, however, make it clear that on the failure of the appellant to remove office objections within the extended time of four weeks, the order of rejection of appeal shall stand.

(M.S.SANKLECHA, J.) (A.S.OKA, J.)