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

\+ **ITA 885/2018**

THE PR. COMMISSIONER OF INCOME TAX -4 ..... Appellant
Through Mr. Raghvendra Kishore Singh, Sr. standing counsel & Mr. Vipul Agrawal, Junior standing counsel

versus

INDO RAMA SYNTHETICS (I) LTD. ..... Respondent
Through Ms. Kavita Jha & Mr. Udit Naresh, Advocates

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH

O R D E R

% **29.07.2019**

1. On 29th November, 2018, the following order was passed by this Court.

> "An adjournment slip has again been circulated by the Revenue, in this appeal in which notice has not been issued.
>
> By the order dated 17th August, 2018, Revenue was directed to place on record copy of the reasons to believe and the original order under Section 143(3) of the Income Tax Act, 1961. Thereafter vide order dated 1st October, 2018 another opportunity was granted to the Revenue to comply with the directions given in the order dated 17th August, 2018.
>
> Counsel for the Revenue on instructions states that the original file is not traceable and hence, an adjournment slip has been moved.
>
> We grant another opportunity to the Revenue to comply with directions given in the earlier order within a period of ten weeks, subject to payment of costs of Rs.5000/- to be deposited with the

> Delhi High Court Bar Association Library Fund. Costs also be deposited within the said period often weeks.
>
> We also clarify that in case records are not available and /or costs are not paid before the next date of hearing, the appeal could be dismissed for non-prosecution.
>
> Relist on 20th February, 2019."

2. There is no proof of the cost having been paid as directed by the Court.

3. Learned counsel appearing for the Appellant has produced before the Court a letter dated 19th February, 2019 written to counsel by the Deputy Commissioner of Income Tax, Circle-12 (1) stating *inter-alia* that the assessment records in the case of the Respondent/Assessee for AYs 2004-2005 "is not traceable after putting all possible efforts".

4. In view of the non-compliance of this Court's aforementioned order, it is plain that the Appellant is not interested in pursuing the appeal. The appeal is accordingly dismissed.

S. MURALIDHAR, J.

TALWANT SINGH, J.

JULY 29, 2019
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