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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ITA 575/2023

PR. COMMISSIONER OF INCOME TAX-7, DELHI

..... Appellant

Through: Mr. Sunil Agarwal, Sr. SC
alongwith Mr. Shivansh B.
Pandya, Jr. SC and Mr. Utkarsh
Tiwari, Advocate

INFRASTRUCTURE PRIVATE LTD.

..... Respondent

Through: Mr. Somil Agarwal, Mr.
Dushyant Agarwal and Mr.
Prateek Bhati, Advocates

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR

KAURAV

ORDER

09.05.2024

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CM APPL. 52813/2023 (delay in re-filing)

1. This application has been moved by the appellant seeking condonation of delay of 1321 in re-filing the present appeal.
2. On perusal of the application we note that the appellant has sought condonation of delay of 1321 days in re-filing on account of following reasons.

"1. That the present appeal was originally filed by the then Senior Standing Counsel Sh. Raghvendra Kishore Singh on 06.01.2020 vide Diary No. E-4661/2020.

2. That the then Senior Standing Counsel Sh. Raghvendra Kishore Singh left the empanelment of Income Tax Department in the year 2021 without informing the Appellant- Revenue that the present appeal is lying under defects before Delhi High Court Registry and the defects have not been cured.

3. That it has now come to the notice of Income Tax Department



that the present appeal has not been listed before Hon'ble Delhi High Court till date and has been lying under defects before Delhi High Court Registry. The filing details snapshots have been attached with this application as ANNEXURE- A4.

4. Therefore, the appeal has been refiled now. **There is a delay of 1321 days in refiling the present appeal.**

5. The matter has been re-allocated to Sh. Sunil Agarwal, Sr. Standing Counsel on 11.09.2023.

6. Hence, this application is being filed before this Hon'ble Court to condone the delay of 1321 days in re-filing the present Income Tax Appeal. The delay in re- filing of the appeal is neither deliberate not intentional but solely due to reasons mentioned above."

3. From the aforesaid, we find that the appellant has failed to show sufficient cause warranting condonation of delay. The application shall consequently stand dismissed.

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As a consequence of the above, the appeal shall stand consigned to the record.

YASHWANT VARMA, J.

PURUSHAINDRA KUMAR KAURAV, J.

MAY 09, 2024

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