

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION NO. 6 OF 2017

(Application for modification of Courts Order dated : 03.03.2017)

IN

CIVIL APPEAL NO. 3692 OF 2017

Commissioner of Service Tax, Delhi-IV

...Appellant(s)

-Versus-

M/s Nortel Networks India Pvt. Ltd.

...Respondent(s)

OFFICE REPORT

The matter above-mentioned was listed before the Hon'ble Court on 03rd March, 2017 when the Court was pleased to pass the following Order:

“This appeal is filed with a huge delay of 428 days with an explanation which is certainly less satisfying than required by law.

We are of the opinion that the officers who are responsible for processing the appeal ought to be blamed solely for the huge delay. However, for that reason the claim of the State shall not be defeated as the claim is huge (about Rupees Sixty Six Crores approximately) and it would be against the larger public interest to reject the examination of the correctness of the judgment under appeal.

In the circumstances, we deem it appropriate to condone the delay subject to the condition that the appellant pays costs quantified at Rs.2,00,000/- (Rupees Two Lakhs only) to the respondent within a period of four weeks. We also deem it appropriate to direct the appellant to identify the officers who are responsible for such inordinate delay and recover the amount of costs from them. We leave it open to the appellant to initiate appropriate disciplinary proceedings against the officers who are responsible, if the appellant is of the opinion that the delay is deliberate. The action taken pursuant to this order must be reported to this Court within a period of eight weeks.

Appeal admitted.

Tag with Civil Appeal No. 6556/2015 etc.”

It is submitted that Mr. B. K. Prasad, Advocate for the appellant has on 21.03.2017 filed application on behalf of the appellant for modification of Court's order dated 03.03.2017 which is registered as Interlocutory Application No. 6 of 2017 and the same are placed with appeal paper books.

Service is complete, as sole respondent is represented by counsel.

The application above-mentioned was mentioned before the Hon'ble Court on 27.03.2017 when the court was pleased to pass the following order :-

“List the matter on Thursday, the 30th March, 2017, as prayed for.”

The application above-mentioned is listed before the Hon'ble Court with this Office Report.

Dated this the 28th day of March, 2017.

ASSISTANT REGISTRAR

Copy to:

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ASSISTANT REGISTRAR

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