

ITEM NO.15

COURT NO.3

SECTION IIIB

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal D No(s). 34759/2016

COMMISSIONER OF SERVICE TAX, DELHI-IV

Appellant(s)

VERSUS

M/S NORTEL NETWORKS INDIA PVT. LTD.

Respondent(s)

(with appln. (s) for c/delay in re-filing appeal and condonation of delay in filing appeal.)

Date : 03/03/2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Appellant(s) Mr. A.N.S Nadkarni,ASG
 Mr. Ashok K. Srivastava,Adv.
 Ms. Rukhmini S. Bobde,Adv.
 Mr. Jai Dehadrai
 Mr. Sehador Rebello,Adv.
 Mr. B. Krishna Prasad,Adv.

For Respondent(s) Mr. Tarun Gulati,Adv.
 Mr. Manish Rastogi,Adv.
 Mr. Kishore Kunal,Adv.
 Mr. Pranav Bansal,Adv.

UPON hearing the counsel the Court made the following
O R D E R

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.

[O.P. SHARMA]
AR-CUM-PS

[RAJINDER KAUR]
COURT MASTER