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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
RECORD OF PROCEEDINGS

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

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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] [RAJINDER KAUR]

AR-CUM-PS COURT MASTER