

Central Excise Vs. State

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Court : Delhi

Decided On : Jan-04-2011

Judge : SHIV NARAYAN DHINGRA, J.

Appeal No. : CRL. M.A. 14500/2010 IN CRL. REV. P. 473 OF 2010

Appellant : Central Excise

Respondent : State

Advocate for Def. : Mr. Sunil Sharma; Mr. Asghar Khan, Advs.

Advocate for Pet/Ap. : Mr. Satish Aggarwala; Mr Shrisih Aggarwal, Advs.

Judgement :

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

1. This application has been made for condonation of delay in filing this Revision Petition against order dated 11th February, 2010. There is a delay of 105 days. The reasons for condonation of delay as stated are that certified copy of order was ready on 18th February, 2010, the department was advised to assail the order, the department wrote a letter to counsel on 22nd march, 2010 seeking fresh advice. The department was advised by letter dated 18th April, 2010 to file a revision petition. The department was reminded again vide communication dated 16th May, 2010 and another communication dated 1st August, 2010. Ultimately, the department on 25th August, 2010 conveyed the decision to file a revision petition against the order dated 11th February,2010 and accordingly the revision petition was filed on 31st August, 2010 with a delay of 105 days.

2. I consider that leniency of courts being shown to department for condonation of delay is being mis-used. When the order dated 11th February, 2010 was passed by the learned ACMM, and the department was advised by its counsel immediately to assail the order, the department was supposed to take action within a reasonable time. Reasonable time in this case was before expiry of period of limitation for filing the revision petition. It was Standing Counsel of the department who advised her in this case and the department was very well aware that order has to be challenged within a time limit. The department in this case did not act and had to be reminded by the counsel twice.

3. The explanation given for condonation of delay is no explanation and cannot be accepted. I find no force in this application for condonation of delay. The application is hereby dismissed, with the result, the Revision Petition also stands dismissed.