

SUPREME COURT OF INDIA

Commissioner of Central Excise

Vs.

Mathew Kurian

(K Venkataswami and S S Quadri JJ.)

23.02.1999

ORDER

K. VENKATASWAMI AND SYED SHAH MOHAMMED QUADRI, JJ.

1. There is an inordinate delay of 478 days in filing the appeal. While explaining the delay, it is stated at pages 83-84 of SLP paper book, inter alia, as follows :

Thereafter the paper book and relevant papers were called for from the Commissioner of Central Excise - Cochin on 10-12-1996. Thereafter in spite to fact that the papers were received from the Cochin Office, the dealing did not put up the matter and it was lying in the Section. On 16-10-1997 the Section Officer noticed that no action was taken on this file for filing of Civil appeal as the dealing hand did not send the same to the Central Agency Section for further procession, put up a note proposing disciplinary action against the dealing hand and immediately further action was taken and on 29-10-1997 after linking up all the relevant files, the same was sent to the Central Agency Section which was received in the Central Agency Section on 3-11-1997.

2. The above extract containing full of mistakes speaks for itself. The casual manner in which it was prepared and filed without taking the trouble of perusing the draft compels the Court to think that the appellant has taken the Court for granted.

3. From the above it is seen that in explaining the delay, the appellant was satisfied in just stating that one dealing hand was responsible for the delay. No further details are given about what action was taken against the erring dealing hand and how the departmental action if any taken ended. We have come across that cases are invariably filed with enormous unexplained/casually explained delay. This state of affairs is continuing for quite some years. We wish to express our anguish that in

spite of the Court pointing out the haphazard way of filing application for condoning delay, no improvement is forthcoming. Ultimately it is the Revenue that suffers as a result of dismissal of cases on the ground of delay. We hope that at least in further the appeals are filed in time and if there is any delay, it is explained properly.

4. This appeal is dismissed on the ground of unexplained delay.