

ATA No. D-1/26/2020

M/s Empowered Mass Media Pvt. Ltd.

....Appellant

Vs.

APFC, Delhi(North)

...Respondent

Present:- Shri Yash Mishra and Sh. Akhil Hasija, Ld. Counsel for

Appellant

Shri S.N. Mahanta, Ld. Counsel for the Respondent.

ORDER DATED 26.06.2020

In compliance to the directions of Hon'ble High Court of Delhi in W.P.(C) 3665/2020 & CM APPLs. 13090-91/2020 hearing commenced today via video conferencing for consideration of the delay condonation petition as well as the petition for granting stay. The Ld. Counsel for the Respondent submitted that the Respondent has not received any petition for condonation of delay along with the Appeal and its enclosures sent to them via email.

Further, he added that the Appellant was well within the knowledge of proceedings under Section 14 B & 7 Q before the Ld. APFC as there are postal acknowledgements to this effect showing the service of the summons as well as order of the Respondent. To this, the Ld. Counsels for the Appellant expressed their concern as no such paper / postal acknowledgement has been provided to them despite demanding the same vide their communication dated 18/12/2019 addressed to Ld. APFC(Annexure A-4). They asked for the copies of the postal acknowledgements for furtherance of their arguments.

This Tribunal is of the view that as both the parties are claiming non receipt of all the documents; it will be in the interest of justice that the Appellant shall provide the copy of the delay condonation application to the Respondent within 07 days and the Respondent shall also provide all the copies of the documents/ postal acknowledgments on which the arguments have been advanced within the same period of 07 days.

The Ld. counsel for the appellant insisted that some order should be passed as a interim measure preventing recovery action pending disposal of delay condonation application and admission of the appeal. He also submitted that the appellant has a strong arguable case and he also pointed out certain anomalies prejudicial to his interest. Since, a sword of action is hanging on the head of the appellant, it is felt desirable that there should be some order preventing recovery action against the appellant till admission of the appeal. Hence, it is directed that the recovery officer shall not take any action for recovery of the assessed amount till hearing of the delay condonation petition and admission of the appeal. Having regard to the concern expressed by Mr. Mahanta that any prohibitory order shall defeat the purpose of the Act, the matter shall be listed on 30.07.2020 for hearing for the purpose as indicated above . The counsels of the parties are informed accordingly.

Sd/-

Presiding Officer.