

Penalty imposed on Revenue for lethargy delay in filing SLP

The Hon'ble Supreme Court of India in *Union of India & Ors. v. M/s Vishnu Aroma Pouching Pvt. Ltd. & Anr. [Special Leave Petition(Civil) Diary No(s). 1434/2021 dated June 29, 2021]* has imposed penalty of 25000/- INR on the Revenue Department for delay in filing the Special Leave Petition (“SLP”) for wastage of judicial time. Further, directed to recover the amount from officers responsible for the delay in filing the SLP.

Facts:

This petition has been filed by the Revenue Department (“the Petitioner”) against the judgment of the Hon'ble Gujarat High Court in the case of *M/s Vishnu Aroma Pouching Pvt. Ltd. v. Union of India [R/Special Civil Application No. 5629 of 2019 dated November 14, 2019]*, wherein the Court held that, the assessee cannot be saddled with the liability of paying excessive interest at the rate of 18% p.a. on the tax liability, which was already discharged on time, but not recorded due to system-glitch/crash without there being any default on assessee's part.

Issue:

- Whether the SLP filed by the Petitioner without any valid reason for condonation of delay is admissible?

Held:

The Hon'ble Supreme Court of India in *Special Leave Petition (Civil) Diary No(s). 1434/2021 dated June 29, 2021* held as under:

- Noted that, the proposal for filing the SLP was sent by the officials of the Petitioner after six months on May 20, 2020 and after that, the same was filed after another three months on August 25, 2020.
- Opined that, such kind of lethargy on part of the Petitioner with so much computerization having been achieved is not acceptable and the delay in filing SLP in a casual manner and without any cogent or plausible ground for condonation of delay, shows incompetence of the Petitioner.

- Stated that, the Court has repeatedly discouraged State Governments and public authorities for adopting the casual approach towards the Supreme Court and ignoring the period of limitation prescribed by the statutes, as if the limitation statute does not apply to them.
- Categorized the matter as “certificate case” filed with the only object to obtain a quietus from the Court as a last resort, and the objective is to complete a mere formality and save the skin of the officers who may be in default in following the due process or may have done it deliberately.
- Imposed penalty of INR 25000/- on the Petitioner looking to the period of delay and the casual manner in which the application has been filed, and for wastage of judicial time which has its own value
- Directed to deposit the penalty in the Supreme Court Advocates on Record Welfare Fund within four weeks.
- Further directed the Petitioner to recover the amount from the officers responsible for the delay in filing the SLP and to file a certificate of recovery.

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