IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1985 OF 2009
IN
INCOME TAX APPEAL (L) NO. 420 OF 2009

The Commissioner of Income Tax-3 .. Appellant

v/s.

Shardul Securities Ltd. ..Respondent

Mr. P.C. Chhotaray i/b Vimal Gupta for the appellant
Mr. Atul Jasani for the respondent

CORAM : M.S. SANKLECHA &
G.S. KULKARNI, J.J.

DATED : 4th DECEMBER, 2015.

P.C.

1. In order dated 21st November, 2015, we had noted the fact that the present Notice of Motion numbered as Notice of Motion No.1985 of 2009 seeks condonation of delay. There is another notice of motion being Notice of Motion No.1986 of 2009 also seeking condonation of delay in filing the appeal. The Notice of Motion No.1986 of 2009 has been dismissed as far back on 20th July, 2009. In view of the fact that the papers, which are available in the file indicate only one notice of motion being

Notice of Motion No.1986 of 2009. We had directed the Registry to report whether or not there was any notice of motion being Notice of Motion No.1985 of 2009 filed by the Revenue and pending disposal. The Registry has filed a report indicating that there is only one Notice of Motion being Notice of Motion No.1986 of 2009 in this appeal.

2. Accordingly, the present Notice of Motion is in fact Notice of Motion No.1986 of 2009 and not Notice of Motion No.1985 of 2009. The Notice of Motion No.1986 of 2009 has been disposed of on 20th July, 2009. Consequently, Notice of Motion No.1986 of 2009 is wrongly on board.

(G.S. KULKARNI, J.) **(M.S. SANKLECHA, J.)**