

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

**NOTICE OF MOTION NO. 2049 OF 2010
IN
INCOME TAX APPEAL NO. 5842 OF 2010
WITH
REVIEW PETITION (ST) NO. 67 OF 2010
IN
INCOME TAX APPEAL (ST) NO. 2383 OF 2009**

The Commissioner of Income Tax ..Applicant

Vs.

M/s Allied Aviation ..Respondent

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Mr. A.R. Malhotra a/w N.A. Kazi, Advocates for Applicant.

Mr. Neeraj Seth a/e Rajesh Poojari, Advocates i/b MINT & Confreres for Respondent.

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**CORAM : M.S. SANKLECHA &
G.S. KULKARNI, JJ.
DATED : 28 AUGUST 2015**

P.C.:

This notice of motion seeks condonation of delay of 181 days in filing the petition to review the order dated 24 November 2009. We are satisfied with the reasons pointed out leading to the delay in filing the review petition.

2. Accordingly, the Notice of Motion is allowed in terms of Prayer Clause (A).

3. Mr. Malhotra, the learned Counsel for revenue states that on the last occasion the Bench hearing this matter had directed him to produce a copy of the Special Leave Petition filed by the department. The same according to him is not available either with the Revenue or with Registry of the Supreme Court. However when we asked him for the order of Supreme Court dismissing the Special Leave Petition so as to examine whether there are any observations recorded by the Supreme Court, Mr. Malhotra states that he does not have the same but will try to obtain the copy of the order.

4. Accordingly, at his request, hearing of the review petition is adjourned to 11 September 2015.

[G.S. KULKARNI, J]

[M.S. SANKLECHA, J.]