

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
NOTICE OF MOTION NO.3068 OF 2009  
IN  
INCOME TAX APPEAL NO.1206 OF 2008

The Commissioner of Income Tax-3 ..... Applicant  
Vs.  
M/s. Fitwell Real Estate Pvt. Ltd. .... Respondent

Mr. P.C. Chhotaray i/b Ms Devki Iyer for the Applicant/  
Appellant.  
Mr. Atul Jasani for the Respondent.

CORAM: M.S. SANKLECHA &  
N.M. JAMDAR, JJ.

DATE : 17 JULY 2015

P.C:

1. By this notice of motion, the revenue seeks to recall the order dated 21-10-2008, dismissing the above appeal for default on account of non-appearance. There is 62 days delay in taking out the present notice of motion. For the reasons stated in the affidavit in support, the notice of motion is made absolute in terms of prayer clause (a) and is accordingly disposed of.

2. As the appeal is of the year 2008, it be listed for admission on 21-7-2015.

(N.M. JAMDAR, J.)

(M.S. SANKLECHA, J.)