

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INCOME TAX APPEAL NO. 230 OF 2013**

The Commissioner of Income tax-19	}	Appellant
versus		
Suresh Babu Ganpat Malge	}	Respondent

None for the Appellant.

Dr. K. Shivaram-Senior Advocate with Ms.
Neelam Jadhav for the Respondent.

**CORAM :- S.C.DHARMADHIKARI &
S.PDESHMUKH, JJ.
DATED :- JANUARY 9, 2015**

P.C. :-

This Appeal has been filed on 31st December, 2012/31st January, 2013. The Department has not instructed the Advocate, who filed the Appeal Mr. D. K. Kamwal, to argue the Appeal. The arguing Counsel has not been engaged by the Department till date. We think that the time from the filing of the Appeal till today was enough to engage and brief such arguing Counsel. None of the arguing Counsel present in the Court are representing and willing to argue this case. The matter has been listed twice previously. The Department/Revenue having failed to make any such arrangement and Mr. Kamwal is absent that we have proceeded to dismiss the Appeal for want of prosecution.

(S.PDESHMUKH, J.)

(S.C.DHARMADHIKARI, J.)