IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1030 of 2016

In

MA No. 318 of 2007

==

Commission of Income Tax and Anr.

.... Petitioner/s

Versus

Smt. Mati Sharda Devi

.... Respondent/s

==

Appearance :

For the Petitioner/s : Mr. Rishi Raj Sinha, Sr. Advocate

For the Respondent/s : Mrs. Archana Prasad, Jr. SC

==

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

5 26-09-2016 Mrs. Archana Prasad, learned junior standing counsel for the Income Tax Department states that pursuant to order dated 25.07.2016 necessary compliance was made on 28.07.2016. Notices under ordinary and registered process both in regard to restoration application and condonation of delay were filed. While so filing those applications, reference was made to miscellaneous appeal from which these proceedings arose. The office apparently by mistake accepted the filing in the miscellaneous appeal and did not reflect the same in M.J.C. No. 1030 of 2016 and I.A. No. 2472 of 2016. Accordingly, M.J.C. No. 1030 of 2016 and I.A. No. 2472 of 2016 were dismissed for default for non-compliance of the peremptory order, which is not

correct. In support that there has been compliance on 28.07.2016 status report in respect of M.A. No. 318 of 2007 has been filed which indeed shows that vide A.O. No. 348872 and 348873 of 2016 compliance was made, which was within time.

Let office trace out the said compliance and tag it appropriately to M.J.C. No. 1030 of 2016 and I.A. No. 2472 of 2016. Let them be so accepted as having been filed in time and Registry to act upon accordingly.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Arjun/Rajesh

U			