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

NOTICE OF MOTION NO.341 OF 2016
IN
INCOME TAX APPEAL NO.2585 OF 2011

WITH

NOTICE OF MOTION NO.344 OF 2016
IN
INCOME TAX APPEAL NO.6795 OF 2010

WITH

NOTICE OF MOTION NO.345 OF 2016
IN
INCOME TAX APPEAL NO.2 OF 2012

Manju Avinash Wardekar, Pune .. Applicant

In the matter between:

Manju Avinash Wardekar, Pune .. Appellant
-*Versus*-
Income Tax Officer, Ward No.11(4)
Pune .. Respondent

Mr. Mihir C. Naniwadekar for applicant/ appellant in all

CORAM : M.S.SANKLECHA, &
B.P.COLABAWALLA, JJ

DATE : 4th March 2016.

P.C.

Heard Mr. Naniwadekar, learned Counsel for the appellant/applicant. None present for the respondent – revenue inspite of service. Further, on instructions he states that even today's date was communicated to the Assessing Officer orally. Earlier written notices of this motion were given to the respondent – revenue in last week of January 2016 and in the month of February 2016. Mr. Naniwadekar learned Counsel for applicant, undertakes to file affidavit of service, within a week from today.

2] This notice of motion is taken out by the appellant/ applicant seeking stay of the impugned order dated 27th July 2011, passed by the Income Tax Appellate Tribunal. In the alternative, an order restraining the respondent – revenue from adopting any coercive proceedings for recovery of tax due, consequent to the impunged order of the Tribunal and also seeking early hearing of the appeal, is prayed for.

3] Mr.Naniwadekar, learned Counsel for the appellant/ applicant states that the appellant/ applicant is a senior citizen aged 76 years and the respondent revenue has been insisting upon payment being made in installments, as communicated to the appellant by letter dated 23rd November 2015. He further submits that today morning also the Assessing Officer telephonically informed the applicant to comply with his request to make payment of the tax due in accordance with the letter dated 23rd November 2015. Mr. Naniwadekar, further states the dispute is within a very narrow compass. Out of the demand of Rs.1.05 Crores, the applicant has already deposited with the Revenue an amount of Rs.47 lakhs.

4] In view of the fact that the applicant is 76 years old, we expedite the hearing and fix the appeal for final hearing in the week commencing from 4th April 2016. In the meantime, respondents will not adopt any coercive proceedings in pursuance of the letter dated 23rd November 2015.

5] Notice of motion is allowed in the above terms.

(B.P.COLABAWALLA, J) (M.S.SANKLECHA, J)