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

NOTICE OF MOTION NO. 391 OF 2016
IN
INCOME TAX APPEAL (L) NO. 94 OF 2015

G. Das Capital Markets P. Ltd. .. Applicant

In the matter between

G. Das Capital Markets P. Ltd. .. Appellant

v/s.
The Assistant Commissioner of Income-Tax
Ward 4(1), Mumbai .. Respondent

Mr. Nishit Gandhi i/b Vipul Joshi for the applicant
Mr. A.R. Malhotra a/w N.A. Kazi for the respondent

CORAM : M.S. SANKLECHA &
A.K. MENON, J.J.

DATED : 1st APRIL, 2016.

P.C.

1. This notice of motion has been taken out by the applicants for setting aside the order dated 7th May, 2015 rejecting the petitioner's appeal for non-removal of office objection under Rule 986 of the Bombay High Court (Original Side) Rules.

2. On perusal of the affidavit, we find that the office objections raised by the Registry were removed by the applicant, save and except,

informing the Prothonotary and Senior Master about the order passed on the Notice of Motion for condonation of delay taken out by the applicant. This Court had on 7th August, 2015 had condoned the delay of 27 days in filing the appeal from the order of the Income Tax Appellate Tribunal. It was on account of misunderstanding on the part of the applicant that as the Court had passed this order, it need not separately inform the Registry about the order dated 7th August, 2015.

3. We are satisfied with the aforesaid reasons and consequently allow the Notice of Motion in terms of prayer clauses (a) and (b).

(A.K. MENON, J.) **(M.S. SANKLECHA, J.)**