

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

WRIT PETITION NO. 1308 OF 2016

Pr. Commissioner of Income
Tax-2, Mumbai.

... Petitioner

V/s.

M/s. Fulford (India) Ltd.

... Respondents

...

Mr. Suresh Kumar a/w Ms. Samiksha Kamani for the petitioner.
Mr. Madhur Agarwal i/b Mr. Atul Karsandas Jasani for the
respondents.

...

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

DATE : 7th JULY, 2016.

P.C.:

1. This petition challenges order dated 31st July, 2015 passed by the Income Tax Appellate Tribunal extending the stay granted up to 30th January, 2015 for further period of 180 days from 31st July, 2015 or the date of passing of the order in the appeal pending before the Tribunal, whichever is earlier.

2. The impugned order dated 31st July, 2015 has a life of 180 days. Thus, the challenge herein is to an order dated 31st July, 2015 whose efficacy has come to an end on 28th January, 2016. Therefore, challenge is infructuous.

3. We find that this petition has been filed on 30th January, 2016 i.e. after the expiry of life of the order dated 31st July, 2015. This shows the casual manner in which the revenue has filed the present petition. It is made clear that if in future such futile petitions are filed by the Revenue we may be compelled to impose costs on officers of Revenue responsible for such petitions.

4. In view of the above, the writ petition is dismissed as infructuous. No order as to costs.

(A. K. MENON, J.)

(M. S. SANKLECHA, J.)