

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

NOTICE OF MOTION LOD.NO.394 OF 2016
IN
INCOME TAX APPEAL NO.2395 OF 2013

The Pr Commissioner of Income Tax-5, Mumbai ..Applicant

In the Matter between:

The Commissioner of Income Tax-5, Mumbai ..Appellant

-Versus-

M/s. Mahameru Trading Co. Pvt. Ltd.Mumbai ..Respondent

Mr. Abhay Ahuja for Revenue

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

DATE : 4th March 2016.

P.C.

1] This notice of motion seeks recall of the order dated 7th January 2016 passed by this Court, dismissing the revenue's appeal for want of prosecution.

2] We have perused the affidavit in support of the notice of motion and are satisfied that the non appearance of the Advocate on behalf of Revenue was on account of miscommunication.

3] In the above view, the notice of motion is allowed in terms of prayer clause (a) and (b).

(B.P.COLABAWALLA, J)

(M.S.SANKLECHA, J)