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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1906 OF 2016
IN
NOTICE OF MOTION NO.328 OF 2003
IN
GIFT TAX APPEAL NO.296 OF 2002

The Commissioner of Income Tax-8 ..Applicant
In the matter between
The Commissioner of Income Tax-8 ..Appellant
Versus
M/s. Siddharth Textiles P. Ltd. ..Respondent

....
Mr. Sham V. Walve for the Applicant.
Mr. Ruturaj H. Gurjar i/b. Mihir Naniwadekar for the Respondent.
....

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

DATE : 19th AUGUST, 2016

P.C.:

This notice of motion have been taken out by the Revenue for condonation of delay of 78 days in taking out the present motion as well as seeking a recall of the order dated 20th November, 2015 passed by this Court dismissing the Revenue's appeal for non-prosecution.

2. We have perused the additional affidavit in support dated 14th July,

2016. We are satisfied with the reasons indicated in the affidavit in support for the delay in taking out this notice of motion.

3. We also find that the board published by the Court for 20^{th} November, 2015 indicated the present appeal as an Income Tax Appeal when in fact it is a Gift Tax Appeal. It was in the above circumstances that the Revenue could not be represented on 20^{th} November, 2015.

4. We therefore recall our order dated 20^{th} November, 2015.

5. Notice of motion is allowed in terms of prayer clauses (a) and (b).

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

Wadhwa