

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

NOTICE OF MOTION NO. 1031 OF 2016
(NMA (L) No. 937 of 2016)
IN
INCOME TAX APPEAL NO. 2223 OF 2013

Pr. Commissioner of Income Tax-10
Mumbai .. Applicant

In the matter between
Pr. Commissioner of Income Tax-10
Mumbai .. Applicant

v/s.

IOT Infrastructure & Energy Services Ltd. .. Respondent

Mr. Suresh Kumar a/w Ms. Samiksha Kanani for the applicant
Ms. Vasanti Patel for the respondent

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

DATED : 1st APRIL, 2016.

PC.

1. This Notice of Motion has been taken out for recall of the order dated 15th December, 2015 passed by this Court dismissing the Revenue's appeal for non-prosecution.

2. We find that on 15th December, 2015 this appeal was dismissed in the morning session. However, on that date itself in the afternoon Mr.

Arvind Pinto, learned Counsel for the Revenue sought restoration of the appeal. However, as the same was sought without giving notice to the other side and it was not represented before us, the appeal could not be restored on that date.

3. In the above view, the the present notice of motion is allowed after condoning the delay in taking out the Notice of Motion. Thus, appeal is restored to the file of this Court.

4. Accordingly, the Notice of Motion is allowed. No order as to costs.

(A.K. MENON, J.)

(M.S. SANKLECHA, J.)