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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOICE OF MOTION(L) NO. 1035 OF 2016
IN
INCOME TAX APPEAL (L) NO.884 OF 2013

The Commissioner of Income Tax-9 ..Applicant
In the matter between
The Commissioner of Income Tax-9 ..Appellant
Versus
Pinstorm Technologies Pvt. Ltd. ..Respondent

....
Mr. Tejveer Singh for the Applicant.
Mr. Madhur Agarwal a/w Rajesh Poojari i/b. Mint & Conferers for the Respondent.
....

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

DATE : 17TH JUNE, 2016

P.C.:

1. This Notice of Motion seeks a condonation of delay of 849 days in taking out this Motion for setting aside the order dated 25th October, 2013 passed by the Prothonotary and Senior Master rejecting the applicant's appeal for non-renewal of office objections. The impugned order was passed under Rule 986 of the Bombay High Court (Original Side) Rules.

2. We find that impugned order dated 25th October, 2013 which the

applicant seeks to set aside has not been annexed to the Notice of Motion or to the affidavit in support of the Motion. Further the affidavit in support does not disclose the date when the applicant came to know of the rejection of the appeal by the order dated 25th October, 2013 nor have any reasons been set out in the affidavit seeking to explain the delay in taking out this Notice of Motion. In fact it states that it was not aware of the rejection of the appeal. The affidavit in support indicates complete lack of bonafides on the part of the Revenue. In fact there is not even an attempt to explain the delay. Looking at the casual manner in which the affidavit is filed there is no reason to condone the gross delay of 849 days in taking out the present Notice of Motion.

3. Accordingly, the Notice of Motion is dismissed. No order as to costs.

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

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