

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

NOTICE OF MOTION NO. 1846 OF 2016
IN
INCOME TAX APPEAL (L) NO.1027 OF 2015
WITH
NOTICE OF MOTION NO. 1847 OF 2016
IN
INCOME TAX APPEAL (L) NO.1028 OF 2015

Prashant Arun Sangai	.. Applicant
In the matter between	
Prashant Arun Sangai	.. Appellant
v/s.	
The Commissioner of Income Tax-I, (Central) Nashik	.. Respondent

Ms. Aswini Surendran i/b Ashok T. Gade for the applicant
Mr. Sham Walve for the respondent

**CORAM : M.S. SANKLECHA &
A.K. MENON, J.J.
DATED : 22nd JULY, 2016.**

P.C.

1. Both these Notices of Motion seek quashing of the order dated 17th December, 2015 passed by the Prothonotary and Senior Master under Rule 986 of the Bombay High Court (O.S.) Rules rejecting the two appeals for non removal of office objections.

2. There was 8 days delay in the appellant filing both the appeals from the orders of the Income Tax Appellate Tribunal. Consequently, the appellant took out the Notices of Motion in both the appeals. By

order dated 18th December, 2015 Motions in both the appeals were allowed. However, in the meantime, on 17th December, 2015, the impugned order was passed by the Prothonotary and Senior Master rejecting the appeals by a conditional order calling upon the appellant to remove the office objections within two weeks. The appellant bonafide believed that since the notices of motion were allowed, there was nothing further to be done. Therefore, in view of the applicants failure, both the appeals stood rejected by the order of the Prothonotary and Senior Master dated 17th December, 2015.

3. We find that non-removal of office objections after the disposal of the notices of motion was inadvertent and bonafide. In the above view, the order dated 17th December, 2015 is set aside. We are informed that all office objections have now been removed.

4. In the above view, both the Notices of Motion are allowed in terms of prayer clause (a).

5. Appeals to come up on board in regular course.

(A.K. MENON, J.)

(M.S. SANKLECHA, J.)