

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1168 OF 2017

IN

INCOME TAX APPEAL NO.1263 OF 2014

THE COMMISSIONER OF INCOME TAX)
CENTRAL – II)...APPLICANT

V/s.

SUNIL P. MANTRI)...RESPONDENT

Mr.A.R.Malhotra a/w. Mr.NA.Kazi a/w. Ms.Padma Divakar,
Advocate for the Applicant.

Mr.Sahil Mahajan, Advocate for the Respondent.

**CORAM : S.V.GANGAPURWALA &
A. M. BADAR, JJ.**

DATE : 26th JULY 2017

P.C. :

1 The notice of motion is made for restoration of the
appeal by setting aside the order dated 5th January 2017.

2 The learned counsel for the respondent submits that
inspite of giving ample opportunity to the appellant, the appellant

was not ready to work out the matter. So the court was constrained to dismiss the appeal.

3 We have considered the order passed by this court on 5th January 2017.

4 Mr.Malhotra the learned counsel assures the court that whenever the matter is placed for admission, the appellant would be ready to work out the matter.

5 Considering the assurance given, we are inclined to give one more opportunity to the appellant. In light of the above, the notice of motion is allowed in terms of Prayer Clauses (a) and (b).

6 The appeal is restored to its original position. No costs.

(A. M. BADAR, J.)

(S.V.GANGAPURWALA, J.)