

*Sharayu.*

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

**NOTICE OF MOTION NO. 1159 OF 2017  
IN  
CENTRAL EXCISE APPEAL (L) NO. 280 OF 2014**

**The Commissioner Service Tax**

**...Applicant/  
Appellant**

***Versus***

**Kumar Builders**

**...Respondent**

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Mr. M. Dwivedi, i/b Mr. Sham Walve, for the Applicant.

Ms. Mansi Patil, for the Respondent.

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**CORAM : ABHAY S. OKA AND  
RIYAZ I. CHAGLA, JJ.**

**DATE : 6 September 2017**

**ORDER :**

1. Heard the learned Counsel appearing for the Applicant and the learned Counsel appearing for the

Respondent. The Appeal preferred by the Applicant has been dismissed under the orders passed by the Prothonotary & Senior Master for non removal of office objections by invoking the power under Rule 986 of the Original Side Rules.

2. The learned Counsel appearing for the Applicant states that all office objections have been removed. We accept the said statement. In view of averments made in Affidavit in Support, a case for condonation of delay and restoration is made out. Accordingly, the Notice of Motion is made absolute in terms of prayer clauses (a) and (b), subject to condition of the Applicant removing all office objections within a period of three weeks from today. If office objections are not removed within a stipulated time, the order passed by the Prothonotary & Senior Master will continue to operate.

[RIYAZ I. CHAGLA J.]

[ABHAY S. OKA, J.]