

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

NOTICE OF MOTION NO. 2903 OF 2016
IN
INCOME TAX APPEAL NO. 736 OF 2014

The Principal Commissioner of Income Tax-21
Mumbai .. Applicant

In the matter between
The Principal Commissioner of Income Tax-21
Mumbai .. Appellant

v/s.
Mrs. Asha K. Ringhshia .. Respondent

Mr. N.C. Mohanty for the applicant / appellant
None for the respondent

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

DATED : 13th JANUARY, 2017.

PC.

1. This notice of motion has been taken out by the Revenue for recalling of the order dated 5th October, 2016 by it. The Revenue's appeal was dismissed on account of non-prosecution.

2. The Assessing Officer on learning of the dismissal of the Appeal Memo, took out the present Notice of Motion on 26th October, 2016. The reason set out in the affidavit in support of the notice of motion is

that the advocate who had been briefed to represent the Revenue was on leave on that day and, therefore, unable to appear. However, the same was not communicated to the Assessing Officer so as to enable appointment of another counsel.

3. We are satisfied with the reasons set out in the affidavit in support of the notice of motion and allow the notice of motion in terms of prayer clause (A).

(A.K. MENON, J.)

(M.S. SANKLECHA, J.)