

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 11740 OF 2017
IN WP/2761/2005**

**M/S AGRAWAL AND COMPANY DALAWADI AURANGABAD AND ANOTHER
VERSUS
COMMISSIONER OF INCOME TAX AURANGABAD AND OTHERS**

Miss Harshita Manglani h/f. Mr. A.S. Bajaj, Advocate for the applicants.

Mr.Alok Sharma, Advocate for the respondents.

**CORAM : PRASANNA B.VARALE &
S.M.GAVHANE, JJ.**

DATED : 20.07.2018

P.C. :-

1. Heard Miss Harshita Manglani h/f. Mr. A.S. Bajaj, learned Counsel for the applicants. Learned Counsel by inviting our attention to the grounds raised in the application, submitted that the writ petition was filed by the petitioner in the year 2005, raising certain substantial grounds. Learned Counsel then submitted that the petition was dismissed by order of this Court dated 26.04.2016, as none represented the petitioner. Learned Counsel by inviting our attention to the grounds and more particularly paragraph Nos. 3,4 and 5 submitted that the delay caused in filing the application seeking restoration of the petition is due to just and bonafide reasons. Learned Counsel submits that as substantial grounds are raised in the petition, the dismissal of the

petition on the ground of default may cause prejudice to the petitioner. Thus, the Counsel prayed for allowing application.

2. Mr.Alok Sharma, learned Counsel opposes the application.

3. In view of the submissions of the learned Counsel appearing for the applicants and for the reasons stated in the application, the application is allowed. The delay caused in filing the application is condoned. The petition is restored to its file. The writ petition be posted in its usual turn for further orders.

[S.M.GAVHANE, J.]

[PRASANNA B.VARALE, J.]