IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 399 OF 2018
IN
INCOME TAX APPEAL (LODG) NO. 1371 OF 2017

Pr. Commissioner of Income
Tax, Central-2 ....Applicant
(Original Appellant)

<u>IN THE MATTER BETWEEN :</u>

Pr. Commissioner of Income
Tax, Central-2 ....Appellant
V/s.
Vijay Grihnirman Pvt. Ltd. ....Respondent

* * * * *

Ms. Padma Divakar, Advocate for the applicant-original appellant.

CORAM :- M.S. SANKLECHA, &

SANDEEP K. SHINDE, JJ.

DATE :- 6TH JULY, 2018.

P.C. :-

1. Ms. Divakar, learned Counsel for the applicant states that the respondent is served. None appears inspite of service.

2. This application has been taken out for condonation of

114 days delay in taking out this motion to set aside the self-operating order dated 7th September, 2017 passed by the Prothonotary and Senior Master rejecting the petition for failure to have removed the office objections on or before 5th October, 2017 under Rule 986 of the Bombay High Court (O.S.) Rules.

3. We have perused the additional affidavit of Mr. Harshad M. Karnik, Deputy Commissioner of Income Tax dated 25th June, 2018 in support of the motion. We are satisfied with the reasons indicated therein.

4. Accordingly, the Notice of Motion is allowed in terms of prayer clauses (a) and (b).

5. Needless to state that if the office objections are not removed within a period of four weeks from today, the appeal shall stand dismissed without further reference to the Court.

(SANDEEP K. SHINDE, J) **(M.S. SANKLECHA, J)**