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

NOTICE OF MOTION NO. 337 OF 2018
IN
INCOME TAX APPEAL (L) N0. 1493 OF 2017

Bhagwan Shri Hamsa Trust .. Applicant

In the matter between
Bhagwan Shri Hamsa Trust .. Appellant
v/s.
Income Tax Officer (E)-I, (1)
Mumbai ..Respondent

Ms. Manali Surve for the applicant / orig. appellant
None for the respondent

CORAM : M.S. SANKLECHA &
SANDEEP K. SHINDE, J.J.

DATED : 8th JUNE, 2018.

P.C.

1. This application has been taken out to set aside the order dated 14th September, 2017 passed by the Prothonotary and Senior Master rejecting the appellant's appeal under Rule 986 of the Bombay High Court (O.S.) Rules.

2. The order dated 14th September, 2017 of the Prothotonary and Senior Master directed the appellant to get its appeal numbered after disposal of the Notice of Motion No.1347 of 2017 for condonation of

delay. The Notice of Motion No.1347 of 2017 was allowed by this Court on 28th November, 2017 condoning the delay of 9 days in filing the appeal from the impugned order of the Tribunal dated 4th January, 2017.

3. However, the other objection viz. affirming the affidavit in support remained to be done.

4. The Notice of Motion is allowed by setting aside the order of the Prothonotary and Senior Master dated 14th September, 2017. The other objection namely the affidavit in support of the appeal not being affirmed has to be removed within a period of two weeks from today. Needless to state if the other objection is not removed within the stipulated time, appeal would stand dismissed without further reference to the Court.

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