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

NOTICE OF MOTION NO. 538 OF 2018
IN
INCOME TAX APPEAL NO. 1573 OF 2015

The Pr. Commissioner of Income Tax-20 .. Applicant
In the matter between
The Pr. Commissioner of Income Tax-20 .. Appellant
v/s.
Mudhit Madanlal Gupta .. Respondent

Ms. Padma Divakar for the applicant / orig. appellant
None for the respondent

CORAM : AKIL KURESHI &
M.S. SANKLECHA, J.J.

DATED : 7th DECEMBER, 2018.

P.C.

1. None appears for the respondent despite service.

2. This motion has been taken out for condoning 804 days delay in taking out the application to set aside the order dated 28th January, 2016 passed by the Prothonotary and Senior Master, rejecting the petition under Rule 986 of the Bombay High Court (Original Side) Rules.

3. The affidavit in support of motion states that office objections

remained to be removed and the same was not intentional. It further proceeds to state that the applicant was not informed of the order of the Prothonotary and Senior Master rejecting the petition and it become aware only on 18.05.2018. However, the circumstances which made it to becoming aware of the same are not mentioned. The reasons stated in the affidavit do not inspire any confidence. It appears that the application for condonation of delay has been taken out in ritualistic manner, without any real reasons being shown for delay.

4. Thus, in the above facts, we do not condone the delay.

5. In the above view, the motion is dismissed.

(M.S. SANKLECHA, J.) **(AKIL KURESHI, J.)**