IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1786 OF 2017
IN
INCOME TAX APPEAL (LODG) NO. 2216 OF 2017

Commissioner of Income Tax
(Exemption) ....Appellant
V/s.
Prabhkar Patil Education
Society ....Respondent

* * * * *

Mr. Sham Walve, Advocate for the applicant, original appellant.

CORAM :- **M.S. SANKLECHA, &**

SANDEEP K. SHINDE, JJ.

DATE :- **1ST MARCH, 2018.**

P.C. :-

1. This Notice of Motion seeks condonation of 201 days delay in filing the accompanying Appeal from the order dated 26th July, 2016 passed by the Income Tax Appellate Tribunal relating to Assessment Year 2011-12.

2. Mr. Walve, appearing for the Revenue, very fairly states that the reasons given in the affidavit-in-support dated 11th September, 2017 of Ms. Sudha Gupta, Deputy Commissioner of Income Tax of the Motion seeking condonation of delay of 201 days in this Motion is similar to the one which was given by the very same applicant in Notice of Motion No. 1779 of 2017 in Appeal (L) No. 2320 of 2017 and Notice of Motion No. 1783 of 2017 in Appeal (L) No. 2319 of 2017 which have been dismissed by us today by a speaking order.

3. We have perused the affidavit-in-support of this Motion. We find that except for difference in dates and the period involved herein being 201 days as against 318 days in Notice of Motion No. 1779 of 2017 and 1783 of 2017 the explanation tendered is identical. Therefore, for the reasons indicated in our order today passed in Notice of Motion No. 1779 of 2017 and Notice of Motion No. 1783

of 2017 in Appeal (L) Nos. 2320 of 2017 and 2319 of 2017, the present Notice of Motion is also dismissed.

4. In view of dismissal of the Notice of Motion, Appeal No. 2216 of 2017 does not survive. Accordingly, the same also stands disposed off.

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