IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1987 OF 2017
IN
INCOME TAX APPEAL (LODG) NO. 15 OF 2017

The Pr. Commissioner of
Income-Tax-28 ....Applicant
(Orig. Appellant)

IN THE MATTER BETWEEN :

The Pr. Commissioner of
Income-Tax-28 ....Appellant
V/s.
M/s. Gahlot Construction ....Respondent

* * * * *

Ms. Padma Divakar a/w. Mr. Prabhakar Ranshur, Advocate for applicant-original appellant.

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

SANDEEP K. SHINDE, JJ.

DATE :- **16TH MARCH, 2018.**

P.C. :-

1. This application seeks condonation of 195 days

delay in taking out this Motion to set aside the self-operating order dated 16th February, 2017 passed by the Prothonotary & Senior Master rejecting the Appeal under Rule 986 of the Bombay High Court (Original Side) Rules.

2. By the order dated 16th February, 2017 passed by the Prothonotary, the appellant was directed removal of office objections on/or before 16th March, 2017 failing which the Appeal would be rejected. The appellants were present on the said date. The Affidavit-in-support of the impugned notice is most casual. It even does not mention the basic date of when the Assessing Officer came to know of the order dated 16th February, 2017.

3. In the above view, we find that no sufficient cause is made out on the part of the Revenue so as to condone the delay.

4. Accordingly, the Motion is dismissed.

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