IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 156 OF 2018
IN
INCOME TAX APPEAL NO. 1057 OF 2016

The Pr. Commissioner of
Income Tax-9 .....Applicant
(Orig. Appellant)

IN THE MATTER BETWEEN :

The Pr. Commissioner of
Income Tax-9 ....Appellant
V/s.
Agility Logistics Private
Limited ....Respondent

* * * * *

Mr. Arvind Pinto, Advocate for the applicant-original appellant.

Mr. Atul Jasani, Advocate for the respondent.

CORAM :- M.S. SANKLECHA, &

SANDEEP K. SHINDE, JJ.

DATE :- 16TH MARCH, 2018.

P.C. :-

1. This Notice of Motion seeks to set aside the

order dated 3rd September, 2015 passed by the Prothonotary & Senior Master rejecting the petitioner's Appeal by a self-operating order for failure to remove office objections on/or before 1st October, 2015. This rejection of the Appeal was in terms of Rule 986 of the Bombay High Court (Original Side) Rules. For the aforesaid purpose, the application also seeks condonation of dealy of 419 days delay in taking out this Notice of Motion.

2. This application, as filed, is misconceived. The appellant-Revenue had already taken out an application being Notice of Motion No. 1362 of 2016 seeking to set aside the order dated 3rd September, 2015 passed by the Prothonotary & Senior Master rejecting the petitioner's Appeal. The above Notice of Motion No. 1362 of 2016 was allowed by an order dated 17th June, 2017 and time was granted to the appellant to remove office objections within a period of 2 weeks failing which the Appeal stood dismissed.

3. Consequently, this application is not maintainable in law. Thus, the Notice of Motion is dismissed. No order as to costs.

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