

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7891 OF 2019

Rajan Bhalchandra Datar

... Petitioner

Versus

The Registrar, Income Tax Appellate

Tribunal, Mumbai and Ors.

... Respondents

Mr.R.Dada, Sr. Adv. a/w. Mr.M.Tally, Mr. Raj Rampal I/b. S. Mohomedbhai and Company for the Petitioner.

Mr.J.D.Mistri, Sr. Adv. a/w. Mr.Sham Walve for the Respondents.

CORAM : AKIL KURESHI &

S.J. KATHAWALLA, JJ.

DATE : 29TH JULY, 2019

P.C.:

1. Learned Senior Counsel appearing for the Petitioner, at the outset sought permission to withdraw the Petition. Ordinarily, we would have permitted the withdrawal without any further remarks.

2. In facts of this case however, a few sentences may be justified. Learned Counsel for the department placed on record a letter dated 25th July, 2019 written by the Advocates of the Petitioner herein to the Registrar, Income Tax Appellate Tribunal, Mumbai in which in paragraph 2 certain factual assertions with respect to what transpired in the present Petition during the previous hearing of 22nd July, 2019 have been made. The letter dated 25th July, 2019 is taken on record and marked 'X' for

identification. Learned Senior Counsel Shri Dada appearing for the Petitioner at the outset agreed that these averments are not true to what actually transpired. He unconditionally withdraws this communication. We also record our endorsement to the averments and statements made in paragraph 2 of the said communication, being completely incorrect and contrary to what had transpired. We depreciate the attempt of the concerned Advocates, to twist the facts. However, in view of the statement made before us that the said communication is being presently withdrawn, we desist from making any further remarks.

3. Petition disposed off as withdrawn.

(S.J.KATHAWALLA, J.)

(AKIL KURESHI, J.)