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

**NOTICE OF MOTION NO. 759 OF 2019
IN
INCOME TAX APPEAL (L) NO. 1645 OF 2019**

M/s. Viraj Steels ... Applicant

IN THE MATTER OF -

M/s. Viraj Steels ... Appellant

Vs.

The Asst. Commissioner of Income Tax, Circle-5

Pune and Ors. ... Respondents

.....

Mr. Soumitra Gokhale i/b. Alisha Pinto for the Appellant.

Mr. Sham Walve for respondents.

.....

**CORAM : NITIN JAMDAR &
M.S.KARNIK, JJ.**

DATE : 18 DECEMBER 2019

P.C.:-

Heard learned counsel for the parties.

2. By this Notice of Motion the Applicant seeks condonation of delay of 314 days in filing the Appeal. We have perused the Affidavit in support of the Notice of Motion. In paragraph 3 of the Affidavit the Applicant has stated that the Applicant had filed Miscellaneous Application which came to be

disposed of on 3 April 2019. Thereafter in paragraph 4 the Applicant states that the matter was entrusted to the Advocate and upon discussions it was filed thereafter on 2 August 2019.

3. Though we are inclined to condone the delay in filing the Appeal, we are of the opinion to balance equities an imposition of suitable costs is required. Accordingly this Notice of Motion is allowed subject to the Applicant deposit an amount of Rs.10,000/-, which learned counsel for the Respondent suggests to the Maharashtra Legal Services Authority, within a period of 6 weeks from today and produce receipt thereof in the Registry.

(M.S.KARNIK, J.)

(NITIN JAMDAR, J.)

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