

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

NOTICE OF MOTION NO. 997 OF 2018
IN
INCOME TAX APPEL NO. 336 OF 2007
WITH
INCOME TAX APPEAL NO. 336 OF 2007

Pr. Commissioner of Income Tax -1, Pune .. Applicant

In the Matter Between :-

Pr. Commissioner of Income Tax -1, Pune .. Appellant

Vs

Sanjivani (Takli) Sahakari Sakhar Karkhana Ltd .. Respondent

-
• Mr. Sham Walve for the Applicant / Original Appellant
.....

CORAM : AKIL KURESHI &
M.S. SANKLECHA, JJ.

DATE : JANUARY 11, 2019.

P.C.:

- 1.** None appears for the respondent despite service.
- 2.** This Motion has been taken out in an Appeal which could appropriately be considered by the Aurangabad Bench of this Court. This in view of the order passed in the case of **Suhas Sugandhilal Bora Vs. Income-Tax Officer** (Income Tax Appeal No. 46 of 2016 decided on 2.7.2018).

3. However, this Motion has been taken out for recalling of the order passed by this Court on 27.6.2018 dismissing the appeal for non prosecution. Thus, prior to it passed the order in Suhas Sugandhilal Bora (supra).

4. It is in the above view, that if the Motion is allowed, the papers would be transferred to Aurangabad Bench for consideration of the appeal

5. We have perused the affidavit dated 21.7.2018 in support of the Motion. We are satisfied with the reasons indicated therein for the applicant not being represented on 27.6.2018 at the time when the appeal was called out for final disposal.

6. In the above view, the Motion is allowed in terms of prayer clause (a).

7. We direct the Registry to transfer the Appeal and other papers / proceedings to Aurangabad Bench of this Court.

[M.S. SANKLECHA, J.]

[AKIL KURESHI, J]