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

NOTICE OF MOTION NO.223 OF 2019
WITH
INCOME TAX APPEAL (L) NO.1348 OF 2017
WITH
NOTICE OF MOTION NO.224 OF 2019
WITH
INCOME TAX APPEAL (L) NO.1352 OF 2017

CCIT(OSD)/Pr. Commissioner of
Income Tax, Central-2 … Applicant/
Appellant

V/s.

M/s Simplex Realty Limited … Respondent

Mr.Prabhakar Ranshur i/by Mr.A.K.Saxena for the Applicant/ Appellant.
Mr.Atul Jasani for the Respondent.

CORAM : AKIL KURESHI AND
M.S.SANKLECHA, JJ.
DATE : MARCH 7, 2019.

P.C.:-

1. These applications have been taken out for condonation of 50 days delay in taking out the notices of motion to set aside the order dated 15th May, 2018 passed by Prothonotary and Senior Master under Rule 986 of Bombay High Court, Original Sides Rules, for non-removal of office objection within a period of four weeks from order dated 15th May, 2018.

2. We have perused the affidavit in support and are satisfied with the reasons indicated therein for the delay in raising the applications.

3. In the above view, the notices of motion are allowed in terms of prayer clauses (a) and (b).

4. It is an agreed position between the parties that the issue raised in the appeal stands concluded by the decision of this Court in case of **CCIT(OSD)/ Pr. Commissioner of Income Tax, Central Vs. M/s Simplex Reality Limited reported in Income Tax Appeal No. 501 of 2019 decided on 18th February, 2018** in respect of Assessment Year 2004-05. The impugned order in the appeal arises from the common order of the Income Tax Appellate Tribunal relating to the subject assessment years as well as assessment year 2004-05 passed by the Income Tax Appellate Tribunal.

5. In the above view, these appeals are directed to be listed on

board on 18th March, 2019.

(M.S.SANKLECHA,J.) **(AKIL KURESHI,J.)**

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