

R.M. AMBERKAR
(Private Secretary)

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

INCOME TAX APPEAL NO. 230 OF 2017

Commissioner of Income Tax (LTU) .. Appellant

Versus

M/s. Lupin Limited .. Respondent

-
- Mr. Suresh Kumar for the Appellant
 - Mr. Nishant Thakkar a/w Mr. Hiten Chande i/by PDS Legal for the Respondent
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**CORAM : AKIL KURESHI &
SARANG V. KOTWAL, JJ.**

DATE : APRIL 2, 2019.

P.C.:

1. This appeal is filed by the Revenue to challenge the judgment of the Income Tax Appellate Tribunal ("the Tribunal" for short) dated 17.2.2016.

2. At the outset, the learned counsel for the respondent assessee brought to our notice an order dated 16.4.2018 passed by the Tribunal in Misc. Application filed by the assessee. The Tribunal allowed the Misc. Application and recalled its original judgment. Learned counsel further pointed out that the Tribunal thereafter, passed fresh order

dated 13.6.2018 again dismissing the appeal of the Revenue. Learned counsel stated that the Revenue has already filed appeal against the fresh order of the Tribunal.

3. The orders dated 16.4.2018 and 13.6.2018 passed by the Tribunal are taken on record and marked **“X and X1”** respectively for identification.

4. In view of the fact that the judgment of the Tribunal impugned in this appeal no longer survives, this appeal is disposed of having become infructuous.

[SARANG V. KOTWAL, J.]

[AKIL KURESHI, J]