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

NOTICE OF MOTION (APPEALS) NO. 358 OF 2019
IN
SALES TAX APPEAL LODING NO. 3 OF 2013

M/s. Johnson and Johnson Ltd. ...Applicant
vs.
The Commissioner of Sales Tax ...Respondent

Mr.Parth Badheka i/b. Nikhil Badheka for applicant.
Mr. Himanshu B. Takke, AGP for the respondents.

CORAM : M.S. SANKLECHA &
M. S. SONAK, JJ.
DATE : JUNE 07, 2019

P.C.:

1. This motion has been taken out by the applicant seeking condonation of 1647 days delay in taking out this application to set aside the order dated 07.03.2013 passed by the Registrar(O.S.), (Prothonotary and Senior Master). By the order dated 07.03.2013 the applicant's appeal was dismissed by self operating order directing the applicant to remove office objections on or before 04.04.2013, failing which, the application stood rejected under Rule 986 of High Court (Original Side) Rules.

2. The affidavit in support of the motion states that applicants

were not aware of the order dated 07.03.2013 passed by the Registrar(O.S.), (Prothonotary and Senior Master) rejecting their application. The affidavit further states that they became aware of the same only on or around 15.09.2017 when the Clerk of the Advocate noticed while searching the file of Sai Services in the Board Department that, application stands rejected on 07.03.2013 by the Registrar (O.S.), (Prothonotary and Senior Master).

3. We find this contrary to the order dated 07.03.2013 passed by the Registrar(O.S.), (Prothonotary and Senior Master) in which the applicants were represented when the order was passed directing them to remove office objections, failing which the appeal would stand rejected for non removal of office objection. In the above view, we see no reason to condone the delay in taking out this application.

4. Accordingly, application is dismissed.

(M.S. SONAK, J.) **(M. S. SANKLECHA, J.)**