

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

**NOTICE OF MOTION NO.1104 OF 2018
IN
INCOME TAX APPEAL NO.170 OF 2007**

The Pr. Commissioner of Income Tax-19, Mumbai. ... Applicant

In the matter between:-

Commissioner of Income Tax, Central-I, Mumbai. ... Appellant

V/s.

M/s Amarsons Collections (Breach Candy) ... Respondent

Mr.A.R.Malhotra for the Applicant.

Mr.Atul Jasani for the Respondent.

**CORAM : AKIL KURESHI AND
M.S.SANKLECHA, JJ.
DATE : JANUARY 18, 2019.**

P.C.:-

1. This application seeks condonation of 64 days delay in taking out this notice of motion to recall the order dated 26th June, 2018 passed by this Court dismissing the appeal on account of non-prosecution.

2. We have perused the affidavit-in-support and are satisfied

with the reasons indicated therein for the delay in taking out this application and also for not remaining present when the matter was called out on 26th June, 2018.

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

(M.S.SANKLECHA,J.)

(AKIL KURESHI,J.)

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