

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**906 CIVIL APPLICATION NO.2118 OF 2020
IN ITA/40/2013**

THE COMMISSIONER OF INCOME TAX,
AURANGABAD

.. APPLICANT

VERSUS

SHANTILAL GOVARDHAN PEETY

..RESPONDENT

...
Mr. Alok M. Sharma, Advocate for the Applicant.

...

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 21st FEBRUARY, 2020.

PER COURT:-

1. We have heard the learned counsel for the applicant.

2. Though the respondent is served, none appears for the respondent.

3. Mr. Sharma, the learned counsel for the applicant submits that, due to communication gap between the department and the learned advocate, the appeal was withdrawn. Letter dated 20th September, 2019 received from the department could not be noticed. The appeal cannot be withdrawn in view of Circular dated 20th August, 2018.

4. We feel that there was bonafide mistake. In the light of that, the order dated 12.12.2019 passed in Income Tax Appeal No. 40 of 2013 is recalled and Income Tax appeal No. 40 of 2013 is restored to its original position.

5. The civil application is disposed of

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/February-2020