IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INCOME TAX APPEAL (IT) NO.1143 OF 2017

Pr. Commissioner of Income Tax - 23	…	Appellant
Vs.		
M/s. Wadhwa Constructions	…	Respondent

Mr. Sham Walve for Appellant.

CORAM : UJJAL BHUYAN &
MILIND N. JADHAV, JJ.

DATE : JANUARY 20, 2020

P.C. :

Heard Mr. Walve, learned standing counsel Revenue for the appellant.

2. This appeal is directed against order dated 08.11.2016 passed by the Income Tax Appellate Tribunal, Mumbai Bench “G”, Mumbai in Miscellaneous Application No.150/Mum/2016 recalling its earlier order dated 15.04.2016.

3. In view of the law laid down by this Court in *Chem Amit Vs. Assistant Commissioner of Income Tax*, (2005) 143 Taxman 348 (Bom.), this appeal is not maintainable.

4. Accordingly appeal is dismissed as not maintainable. However, liberty is granted to avail the remedy as provided under the law.

(MILIND N. JADHAV, J.) **(UJJAL BHUYAN, J.)**