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

INCOME TAX APPEAL NO. 1950 OF 2017

Pr.Commissioner of Income Tax -10 .. Appellant

v/s.

India Medtronic Pvt. Ltd. .. Respondent

Mr. Akhileshwar Sharma for the Appellant.
Ms. Jasmin Amalsadvala i/b. PDS Legal for the Respondent.

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

DATE : JANUARY 29, 2020.

P. C.:-

. Heard Mr. Akhileshwar Sharma, learned standing counsel, revenue for the appellant and Ms. Jasmin Amalsadvala, learned counsel for the respondent-assessee.

2. This appeal has been preferred by the revenue under Section 260A of the Income Tax Act, 1961 (**“the Act”** for short) against the order dated 28.10.2016 passed by the Income Tax Appellate Tribunal “K” Bench, Mumbai (**“Tribunal”** for short) in S.A.No. 374/ MUM/2016 for Assessment Year 2010-11.

3. Briefly stated, respondent had preferred Income Tax Appeal No. 1600/Mum/2015 for the Assessment Year 2010-11 before the Tribunal. In the said appeal, respondent also filed stay application which was numbered as S.A.No.374/MUM/2016. Tribunal passed the impugned order on the stay application staying the demand. It is this order which is challenged in the appeal.

4. Learned counsel for the parties have informed the Court that during the pendency of the present appeal, ITA No. 1600/Mum/2015 has been disposed of by the Tribunal on 17.01.2018 in favour of the assessee/respondent.

5. Since the parent appeal itself has been disposed of, the challenge made in the present proceeding to the interim order passed in the stay application does not survive.

6. Consequently, the present appeal is dismissed as infructuous. No cost.

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