

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 1658 OF 2020
IN
INCOME TAX APPEAL (L) NO.1921 OF 2018**

Pr. Commissioner of Income Tax-29, MumbaiAppellant/Applicant

V/s.

Navin J. Doshi ...Respondent

Mr. Arvind Pinto for applicant/appellant
Ms Asifa Khan for respondent

**CORAM : K.R. SHRIRAM &
ABHAY AHUJA, JJ.
DATED : 30th AUGUST 2021**

P.C. :

1 Considered the interim application. Ms. Khan for respondent states that even in the application there is no explanation for non removal of office objections for 360 days which is just short of one year. Ms Khan states if the court is still inclined to condone the lapse on the part of applicant, then the court should grant cost and the cost can be paid over to the assessee or to any one, which the court may decide to give.

2 Mr. Pinto says the objection raised was Exhibit A to the petition was not readable and typed copy should be provided. That is not stated in the application but we accept what Mr. Pinto says. Mr. Pinto states that he had given an undertaking to provide typed copies. Since it is an appeal filed by the revenue, purely by way of indulgence we allow application and restore the appeal but certainly respondent's counsel is not unjustified in seeking cost. Subject to applicant paying a sum of Rs.10,000/- as cost to be paid to

the High Court Legal Aid Fund, Account No.60045304283, IFSC-MAHB0000002, of Bank of Maharashtra, Branch- Fort, Mumbai 400 032, maintained by the High Court Legal Services Committee, Mumbai. Room No.105, 1st Floor, PWD Building, High Court, Mumbai and details of such cost to be furnished to the High Court Legal Services Committee, Mumbai and receipt thereof physically or through Email, i.e., hclsc.mumbai@gmail.com which shall be the proof of such payment/deposit shall be obtained. The amount shall be paid within two weeks from today. Typed copies shall also be provided and other objections, if any, shall be removed within two weeks from today. Both these conditions are condition precedent for restoration of the appeal and if these precedents are complied with the appeal will stand restored. Otherwise, the appeal will be treated as dismissed without further reference to the court.

3 Interim application stands disposed.

(ABHAY AHUJA, J.)

(K.R. SHRIRAM, J.)