

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
INCOME TAX APPEAL NO. 1748 OF 2017

PR. Commissioner of Income Tax-16

....Appellant

V/s.

Fauziya Hospital (Prop. Dr. Mohammad  
Usman Shaikh)

...Respondent

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Mr. P. C. Chhotaray for Appellant

Mr. K. Gopal a/w Mr. Om Kandalkar i/b Mr. Satendra Pandey for  
Respondent

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CORAM : K.R. SHRIRAM &  
AMIT B. BORKAR, JJ  
DATED : 15<sup>th</sup> NOVEMBER 2021

P.C. :

1 There is a self operating order dated 22<sup>nd</sup> October 2021 which reads  
as under:

*“Mr. Kandalkar for respondent states that they have not even been served with a copy of the appeal. Mr.Chhotaray for appellant does not dispute that the appeal is filed in 2017. We are surprised that appellant for four years has chosen not even to get copy of appeal served. Copy of appeal be served upon respondent on or before 30/10/2021. Stand over to 15/11/2021.*

*2. If the appeal is not served by 30/10/2021 and affidavit of service is not filed, appeal would stand dismissed without further reference to the court.”*

2 There is no affidavit of service filed. Therefore, appeal does not survive and stands dismissed.

(AMIT B. BORKAR, J)

(K.R. SHRIRAM, J.)