

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

WRIT PETITION NO.1157 OF 2021

Jainsons Estates Private Limited

...Petitioner

vs.

The Income Tax Officer,
Ward - 3(2)(1) and Others

...Respondents

Ms. Drinkle Hariya i/b. Ms. Namrata Kasale, for the Petitioner.
Mr. Sham Walve, for the Respondent-Revenue.

CORAM : **K.R. SHRIRAM &
N. J. JAMADAR, JJ.**

DATE : **FEBRUARY 03, 2022**

P.C.:

. Heard.

2. Prayer in the Petition is to direct Respondent No. 2 to forthwith fix the Appeal of Petitioner pending before him for hearing, to grant proper and fair hearing to Petitioner and then to pass proper order in a time bound manner.

3. This Appeal relates the assessment year 1996-97 and has been lodged somewhere in 2004. In view of the directions of the Income Tax Appellate Tribunal's order dated 27th August, 2004 the matter has been remanded to the Commissioner of Income Tax (Appeals) for re-hearing the appeal by considering the points noted

in the order of ITAT. Petitioner's grievance is the appeal has been now pending for 17 years. Mr. Walve in fairness states that the Court may fix the time limit within which the appeal to be heard and disposed.

4. Since the appeal has been pending for 17 years, we would direct the concerned authority to hear the appeal and pass an order within six weeks from the date this order is uploaded.

5. The concerned authority shall give a personal hearing to Petitioner and notice of hearing shall be given at least one week in advance.

6. If the concerned authority is going to rely on any judgment or order of any Court or Tribunal, copy thereof shall be provided in advance so that the Petitioner will be able to deal with /distinguish it during the personal hearing.

7. Petition accordingly disposed.

(N. J. JAMADAR, J.)

(K. R. SHRIRAM, J.)