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

WRIT PETITION NO. 1162 OF 2020

Jayprakash D. BarbhayaPetitioner

V/s.

The Income Tax Officer
26 (1) (7) and Anr. ...Respondents

**ALONGWITH
INCOME TAX APPEAL NO. 95 OF 2020
ALONGWITH
INCOME TAX APPEAL NO. 92 OF 2020**

Jayprakash BarbhayaAppellant

V/s.

The Income Tax Officer 29 (1) (5) ...Respondents

**ALONGWITH
INCOME TAX APPEAL NO. 3278 OF 2018
ALONGWITH
INCOME TAX APPEAL NO. 335 OF 2019**

Principal Commissioner of Income
Tax – 29, MumbaiAppellant

V/s.

Jayprakash Barbhaya ...Respondent

Mr. Devendra H. Jain a/w Ms. Radha Halbe for Petitioner in Writ Petition No.1162 of 2020, for Appellants in ITXA Nos.92 of 2020 and 95 of 2020 and for Respondents in ITXA Nos.3278 of 2019 and 335 of 2019.

Mr. Sham V. Walve for Respondents in Writ Petition No.1162 of 2020.

Mr. Arvind Pinto for Appellant in ITXA Nos.3278 of 2019 and 335 of 2019 and for Respondent in ITXA Nos.92 of 2020 and 95 of 2020.

**CORAM : K.R. SHRIRAM &
N. J. JAMADAR, JJ.
DATED : 11th JANUARY, 2022**

P.C. :

1. In this petition, petitioner is impugning the order passed by the

Income Tax Appellate Tribunal (ITAT) on 7th November, 2019 rejecting Miscellaneous Application filed by petitioner. The ITAT has correctly observed that review of order is not permissible in law. Hence, we are not inclined to interfere.

2. Moreover, against the main order, petitioner has filed an Appeal in this court which are pending and also listed today alongwith Writ Petition and two other Appeals filed by the Revenue.

3. If petitioner is unhappy with the main order passed in the Appeal before the ITAT, petitioner may raise his grievance in the Appeal to be heard and which is still pending.

4. Writ Petition No.1162 of 2020 accordingly dismissed with no order as to costs.

5. The four Appeals listed today be listed for admission on 15th February, 2022.

6. Mr. Jain points out that respondents have not served copy of their Appeal. Revenue shall ensure that these Appeals are served within one week from today and compliance affidavit is filed by 15th January, 2022 failing which two Appeals filed by Revenue will stand dismissed without further reference to this court.

(N. J. JAMADAR, J.)

(K.R. SHRIRAM, J.)