IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2047 OF 2025

Rock Enterprises ... Petitioner
versus
Sagar Maruti Suryavanshi and Ors. … Respondents

Mr. Kishor Patil i/by Mr. Pratik Rahade, for Petitioner.
Mr. Ajay Bhise with Ms. Deepali Kedar, for Respondent No.1.

CORAM: N.J.JAMADAR, J.

DATE : 25 FEBRUARY 2025

P.C.

1. Heard the learned Counsel for the parties.

2. The challenge in this Petition is to an order dated 4 February 2025, passed by the learned Civil Judge, Pune, whereby the application preferred by the Defendants seeking production of the copy of the order dated 1 August 2005 passed by the CIT (Appeals) in the matter of Assessment made under Section 158 BD read with Section 144 of Income Tax Act, for the Block period from 1 April 1990 to 9 November 2000, came to be rejected.

3. The said application was preferred on the premise that in the said order, there is a reference to the MOU, a copy of which has been produced before the trial Court, and it has been recorded therein that the said MOU was unsigned. The learned Judge was of the view that the said order was in the nature of a public document, and, therefore, the Plaintiff cannot be directed to produce the same.

4. Evidently, a copy of the said order was not annexed to the application. Learned Counsel for the Petitioner submitted that the Petitioner has not made an application before the concerned authority for furnishing a copy of the said order.

5. Having regard to the tenor of the application, it implies that the Petitioner had access to the said document. If the document in question is an order passed by the CIT(Appeals), the Petitioner ought to be in a position to get a certified copy of the said order.

6. After the Court expressed the aforesaid view, the learned Counsel for the Petitioner, on instructions, seeks liberty to approach the concerned authorities under the Income Tax Act, to obtain a copy of the said order and place the same before the trial Court.

7. Learned Counsel for the Respondents resisted the aforesaid submission. Attention of the Court was invited to the orders passed by this Court on 19 December 2022 and 26 February 2022, whereby the time to dispose the Special Summary Suit No.49 of 2013 has been extended till February 2025.

8. The prayer of the Petitioner is for production of the copy of the order which, according to the Petitioner, bears upon the determination of the suit as it allegedly pertains to the MOU which is the basis of the suit.

9. In this view of the matter, it would be expedient in the interest of

justice to grant a reasonable opportunity to the Petitioner to obtain a coy of the said order passed by the CIT (Appeals), if such an order is indeed passed, and place the same before the trial Court. However, it is clarified that the Petitioner shall not be permitted to lead any additional evidence with regard to the said order.

10. The Petition, thus, stands disposed with liberty to the Petitioner to obtain and produce a copy of the order 1 August 2005 passed by the CIT (Appeals), if such an order indeed exists, referred to in the prayer clause of the application, on which the impugned order has been passed, within a period of three weeks from today.

11. It is, however, clarified that the parties shall not be permitted to lead evidence with regard to the said order.

(N.J.JAMADAR, J.)