



Priya Soparkar

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58 nma 988-18 in nma 38-18 in itxal 1228-17-o

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

**NOTICE OF MOTION NO.988 OF 2018
IN
NOTICE OF MOTION NO.38 OF 2018
IN
INCOME TAX APPEAL (L) NO.1228 OF 2017**

Pr.Commissioner of Income Tax,
Central-2.

... Applicant/Appellant

V/s.

M/s Rockfort Estate Developers
Private Limited

... Respondent

Ms.Padma Divakar for the Applicant/Appellant.

**CORAM : AKIL KURESHI AND
B.P.COLABAWALLA, JJ.
DATE : JANUARY 31, 2019.**

P.C.:-

1. This notice of motion is taken out by the revenue- appellant. Main prayer is for recall and setting aside order dated 15th March, 2018 passed in Notice of motion No.38 of 2018. By such order, division bench of this Court have refused to condone the delay of 158 days in moving the notice of motion for restoration of the appeal, which was dismissed for want of removal of objections. In plain terms, therefore, through this notice of

motion the revenue urges to recall and set aside the said order.

This application is misconceived and cannot be entertained by this Court.

2. Notice of motion is therefore dismissed and disposed of accordingly.

(B.P.COLABAWALLA,J.)

(AKIL KURESHI,J.)

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