

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

OTC.No. 4 of 2015 ()

AGAINST THE ORDER IN AITA NOS. 4/2012 & 5/2012 of AGRICULTURAL
INCOME TAX & SALES TAX APPELLATE TRIBUNAL, ADDITIONAL
BENCH,ERNAKULAM DATED 19-02-2015.

PETITIONER/RESPONDENT:

ASPINWALL AND COMPANY LIMITED
(FORMERLY THE PULLANGODE RUBBER &
PRODUCE COMPANY LIMITED)
926/A1-A5, DEVANKULANGARA, EDAPPALLY
KOCHI-682 024
REPRESENTED BY ITS CHIEF FINANCIAL OFFICER
MR.RADHAKRISHNAN T.R.

BY ADVS.SRI JOSEPH KODIANTHARA (SR.)
SRI.V.ABRAHAM MARKOS
SRI.BINU MATHEW
SRI.TOM THOMAS (KAKKUZHIYIL)
SRI.ABRAHAM JOSEPH MARKOS
SRI.ISAAC THOMAS
SRI.NOBY THOMAS CYRIAC

RESPONDENT/APPELLANT:

STATE OF KERALA
REPRESENTED BY THE SECRETARY (TAXES)
THIRUVANANTHAPURAM-695 001.

BY SENIOR GOVERNMENT PLEADER SRI. LIJU STEPHEN

THIS OTHER TAX CASES HAVING COME UP FOR ADMISSION ON
03-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

OTC.No. 4 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE – A : TRUE COPY OF ORDER DATED 16.11.2006 PASSED BY THIS HON'BLE COURT IN MCA NO.94/2006.

ANNEXURE -B : TRUE COPY OF ASSESSMENT ORDER DATED 10.11.2011 FOR ASSESSMENT YEAR 2009-2010.

ANNEXURE – C : TRUE COPY OF APPELLATE ORDER DATED 19.01.2012 PASSED BY THE DEPUTY COMMISSIONER (APPEALS), ERNAKULAM IN APPEAL A.I.T.A. NO.33/2011 FILED BY THE PETITIONER.

ANNEXURE – D : TRUE COPY OF THE IMPUGNED COMMON ORDER DATED 19.02.2015 PASSED BY THE KERALA AGRICULTURAL INCOME TAX AND SALES TAX APPELLATE TRIBUNAL, ERNAKULAM IN A.I.T.A NO.5/2012.

RESPONDENT'S ANNEXURES: NIL

//TRUE COPY//

P.A. TO JUDGE

smv

**ANTONY DOMINIC
&
SHAJI P. CHALY, JJ.**

O.T.C. No.4 of 2015

Dated this the 3rd day of August, 2015

JUDGMENT

Antony Dominic,J.

This OTC is filed against the order of the Tribunal in AITA No. 5/2012. That appeal was disposed of by the Tribunal along with AITA No.4 of 2012 against which OTC No.3 of 2015 was filed by the petitioner. By judgment dated 27.7.2015, this Court declined to interfere with the order of the Tribunal holding that if at all there was any mistake in the order of the Tribunal, it was upto the petitioner to get the same corrected by making an application before the Tribunal itself.

In that view of the matter, this OTC is also dismissed on the similar lines.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**SHAJI P. CHALY
JUDGE**

//true copy//

P.A. To Judge

smv