IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

OT.Rev.No. 118 of 2015 ()
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AGAINST THE ORDER IN TA(VAT) 1077/2013 of VALUE ADDED TAX APPELLATE TRIBUNAL,ADDL.BENCH, PALAKKAD DATED 07.11.2014.

REVISION PETITIONER(S):
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M/S HARAFA INDUSTRIES,
CHIRAKKALPADY, MANNARKKAD.

BY ADVS.SRI.HARISANKAR V. MENON
SRI.MAHESH V.MENON
SMT.MEERA V.MENON

RESPONDENT(S):
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STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, TAXES DEPARTMENT,
GOVT.SECRETARIAT, THIRUVANANTHAPURAM.695 001.

BY SENIOR GOVERNMENT PLEADER, SRI. LIJU STEPHEN

THIS OTHER TAX REVISION (VAT) HAVING BEEN FINALLY HEARD ON 19-08-2015, ALONG WITH O.T.REV.NO.119/2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.T.O.

O.T.REV.NO.118 OF 2015

APPENDIX

REVISION PETITIONER'S ANNEXURES:

| | |
|---|---|
| ANNEXURE-A | COPY OF ASSESSMENT ORDER FOR THE YEAR 2006-07 ISSUED BY THE COMMERCIAL TAX OFFICER, PALAKKAD. |
| ANNEXURE-B | COPY OF APPELLATE ORDER ISSUED BY THE ASST. COMMISSIONER (APPEALS), PALAKKAD. |
| ANNEXURE-C | COPY OF COMMON ORDER IN TA(VAT) 1077/13 & 1078/13 ISSUED BY THE KERALA VALUE ADDED TAX ADDITIONAL APPELLATE TRIBUNAL, PALAKKDAD. |

RESPONDENT'S ANNEXURES: NIL

//TRUE COPY//

P.S. TO JUDGE

St/-

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

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**O.T.Rev.Nos.118 & 119 of 2015**

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**Dated this the 19th day of August, 2015**

## ORDER

***Antony Dominic, J.***

The assessee has filed these revision petitions aggrieved by the order passed by the Kerala Value Added Tax Additional Appellate Tribunal, Palakkad in T.A (VAT) Nos.1077 and 1078 of 2013.

2. We heard the learned counsel for the assessee and the learned Senior Government Pleader appearing for the State.

3. The relevant assessment years are 2006-2007 and 2007-2008. For the assessment year 2006-2007, the Assessing Authority found that the books of accounts and the return filed by the assessee cannot be accepted as correct and complete and penalty was imposed on the revision petitioner on finding attempt to evade tax on transport of Teak fire wood, variation in closing stock and suppression of purchase of timber. It was also found that the sale value of Rosewood and

Teak wood was low. For the assessment year 2007-2008 also return and books of accounts were rejected for similar reasons. In these circumstances, the Assessing Authority added an overall 25% in addition to the total turnover declared for the respective years and completed assessment.

4. First appeals filed were dismissed. In the second appeal filed before the Tribunal, though the Tribunal upheld the findings of the lower authorities, it directed the Assessing Authority to modify the assessment restricting the addition to 15%. It is aggrieved by the common order of the Tribunal, these revisions are filed.

5. Having heard the learned counsel on both sides and considering the factual findings recorded by the Tribunal in paragraph 5 of its order, we are satisfied that the Assessing Authority was fully justified in rejecting the returns and books of accounts of the assessee for the relevant assessment years and making addition to the declared turnover. Despite this, the Tribunal has reduced the addition from 25% to 15%. This order of the Tribunal, by no stretch of imagination, can be called illegal, justifying interference in these revision petitions.

Revisions Petitions are accordingly dismissed.

Sd/-

**ANTONY DOMINIC**
**JUDGE**

Sd/-

**SHAJI P. CHALY**
**JUDGE**

//true copy//

P.S. to Judge

St/-