

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

W.A.No. 634 of 2015 IN WP(C).30625/2014

AGAINST THE JUDGMENT IN WP(C) 30625/2014 of HIGH COURT OF KERALA DATED 18.11.2014

APPELLANT/PETITIONER IN W.P.(C):

K.P.PADMA KUMAR
HOTEL KOMALA, ZILLA COURT WARD, ALAPPUZHA.

BY ADVS.SRI.JOHNSON GOMEZ
SRI.S.BIJU (KIZHAKKANELA)

RESPONDENTS/RESPONDENTS:

1. THE INTELLIGENCE OFFICER,
SQUAD NO.II, COMMERCIAL TAXES, ALAPPUZHA - 688 001.
2. THE DEPUTY COMMISSIONER (APPEALS),
COMMERCIAL TAXES, ASRAMOM, KOLLAM - 691 002.
3. COMMERCIAL TAX OFFICER,
CIRCLE, ALAPPUZHA - 688 001.

R BY GOVERNMENT PLEADER SRI.LIJU STEPHEN

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 17-06-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & SHAJI P.CHALY, JJ.

Writ Appeal No.634 of 2015

Dated this the 17th day of June, 2015

JUDGMENT

Antony Dominic, J.

Appellant filed writ petition seeking to quash Ext.P4 order passed by the second respondent granting stay of the recovery pursuant to Ext.P1 penalty order subject to the condition that the appellant remits 40% of the amount demanded. By judgment under appeal, the learned Single Judge modified the condition by reducing it to 30%. Still aggrieved, the appellant has filed this writ appeal.

2. We heard the counsel for the appellant and the learned Government Pleader.

3. Submissions made before us are on the merits of the appeal and according to the appellant, Ext.P1 order is totally unsustainable. In our view, even if submissions are made at this stage they were only mean that the appellant has a prima facie case justifying the interim order. The learned Singe Judge has modified the interim order granted by the second respondent and observed that the actual facts will be considered by the appellate authority while considering the appeal preferred by the appellant.

4. We do not find any reason to interfere with the view taken by the learned Single Judge. Appeal is dismissed accordingly.

In such circumstances, counsel for the appellant seeks time for complying with the condition imposed requiring pre-deposit of 30%. Considering the submission made by the counsel for the appellant and also considering the financial constrains projected, we extend the time by three weeks from today.

SD/-
ANTONY DOMINIC
JUDGE

SD/-
SHAJI P. CHALY
JUDGE

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