

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

WA.No. 645 of 2015 () IN WP(C).33686/2014

AGAINST THE ORDER/JUDGMENT IN WP(C) 33686/2014 of HIGH COURT
OF KERALA DATED 12-01-2015

APPELLANT(S)/PETITIONER:-:

M/S.COFFEE BOARD,
NO.1 AMBEDKA VEEDHI, BANGALORE - 560 001
BRANCH : [SATHRAM BUILDING, EAST NADA, GURUVAYUR
THRISSUR].

BY ADVS.SRI.ANIL D. NAIR
SRI.R.SREEJITH
SMT.C.S.SULEKHA BEEVI
SMT.ROSIE ATHULYA JOSEPH

RESPONDENT(S)/RESPONDENTS:-:

1. THE COMMERCIAL TAX OFFICER,
CHAVAKKAD, PIN - 680 131.
2. DEPUTY COMMISSIONER (APPEALS) ,
COMMERCIAL TAXES, ERNAKULAM, PIN - 682 030.
3. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, TAXES
THIRUVANANTHAPURAM, PIN - 695 001.

BY ADV.SOBHA ANNAMMA EAPEN,
SR.GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 17-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

APPELLANT'S EXHIBITS

ANNEXURE A : COPY OF LETTER D.O.NO.ADM/LEG/4C/2011/211 DATED 22.11.2011 OF THE APPELLANT TO THE PRINCIPAL SECRETARY (TAXES), GOVT. OF KERALA, THIRUVANANTHAPURAM.

ANNEXURE B : COPY OF LETTER D.O.NO.ADM/LEG/2012/003 DATED 03.01.2012 OF THE APPELLANT TO THE ADDITIONAL SECRETARY (PLANATATION), MINISTRY OF COMMERCE & INDUSTRIES, GOVT. OF INDIA, NEW DELHI.

ANNEXURE C : COPY OF LETTER DATED 26.03.2012 FROM SRI.ANAND SHARMA, THE MINISTRY OF COMMERCE, INDUSTRY & TEXTILES TO SRI.OOMMEN CHANDY, CHIEF MINISTER, KERALA.

ANNEXURE D : COPY OF LETTER DATED 17.06.2013 OF the COMMERCE SECRETARY, GOVT. OF INDIA, NEW DELHI TO THE CHIEF SECRETARY, GOVT. OF KERALA, THIRUVANANTHAPURAM.

ANNEXURE E : COPY OF LETTER DATED 11.4.2014 OF THE APPELLANT TO THE ADDITIONAL SECRETARY (PLANATATION), MINISTRY OF COMMERCE AND INDUSTRIES, GOVT. OF INDIA.

ANNEXURE F : COPY OF LETTER DATED 29.04.2014 OF THE COMMERCE SECRETARY, GOVT. OF INDIA, NEW DELHI TO CHIEF SECRETARY, GOVT. OF KERALA, THIRUVANANTHAPURAM.

ANNEXURE G : COPY OF LETTER D.O.NO.ADM/LEG/2014/148 DATED 30.09.2014 OF THE APPELLANT TO THE SECRETARY, DEPT. OF TAXES, KERALA.

ANNEXURE H : COPY OF LETTER DATED 30.10.2014 OF the SECRETARY, DEPT. OF TAXES, KERALA TO THE APPELLANT.

ANNEXURE I : COPY OF LETTER D.O.NO.ADM/LEG/2015/17 DATED 06.02.2015 OF THE APPELLANT TO THE ADDITIONAL SECRETARY (PLANTATION), MINISTRY OF COMMERCE AND INDUSTRIES, GOVT. OF INDIA, NEW DELHI.

//TRUE COPY//

PA TO JUDGE.

THOTTATHIL B.RADHAKRISHNAN &
ANU SIVARAMAN, JJ.

.....
W.A.No.645 of 2015

.....
Dated this the 17th day of November, 2015.

J U D G M E N T

Thottathil B.Radhakrishnan, J.

- 1.This appeal is by the Coffee Board.
- 2.Heard the learned counsel for the appellant and the learned Senior Government Pleader for the Department of Commercial Taxes.

Appellant challenges the decision of the learned single Judge refusing to interfere with the conditions imposed in an order granting stay pending statutory appeals. With passage of time, the statutory appeals were decided adverse to the interest of the appellant, and it is submitted that appeals have been carried to still higher authority in the statutory hierarchy. Under the aforesaid circumstances, we close this writ appeal as infructuous leaving open applications for stay, if any, before the higher

Appellate Authority to be decided in accordance with law. We are not persuaded to grant any interlocutory relief pending consideration of those appeals through this judgment, as is sought for by the appellant in this writ appeal.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(ANU SIVARAMAN, JUDGE)