

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

FRIDAY, THE 24TH DAY OF APRIL 2015/4TH VAISAKHA, 1937

WA.No. 889 of 2015 () IN WP(C).10381/2015

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AGAINST THE JUDGMENT IN WP(C) 10381/2015 of HIGH COURT OF KERALA  
DATED 31-03-2015

APPELLANT/PETITIONER:

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K.S.SANAL KUMAR  
CHELAKKAPPALLIL AGENCIES, KOTTAYAM.

BY ADV. SRI.AJI V.DEV

RESPONDENT(S)/RESPONDENTS:

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1. DEPUTY COMMISSIONER, COMMERCIAL TAXES  
COLLECTORATE, KOTTAYAM 686002.

2. INTELLIGENCE OFFICER  
SQUAD NO.III, COMMERCIAL TAXES,  
PUBLIC LIBRARY BUILDING, SASTHRI ROAD, KOTTAYAM 686001.

3. ASST.COMMISSIONER (ASSESSMENT)  
SPECIAL CIRCLE, COMMERCIAL TAXES, TAX COMPLEX  
KOTTAYAM 686002.

4. INSPECTING ASST. COMMISSIONER  
COMMERCIAL TAXES, COLLECTORATE, KOTTAYAM 686002.

R BY SR.GOVERNMENT PLEADER SHRI SOJAN JAMES

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON  
24-04-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

**K.VINOD CHANDRAN & P.V ASHA, JJ.**

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**W.A No.889 of 2015**  
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**Dated this the 24<sup>th</sup> day of April, 2015**

**JUDGMENT**

Vinod Chandran, J.

The petitioner is aggrieved by the judgment of the learned Single Judge, which refused to interfere with the order of the appellate authority which directed remittance of 30% of the penalty amounts. The learned Single Judge having perused the order passed by the appellate authority found that there is nothing warranting interference with the said order, in a proceeding under Article 226 of the Constitution of India. The learned counsel for the petitioner attempted to urge contentions on merit, against the penalty order passed. However, we are exercising a confined jurisdiction of examining an order of the learned Single Judge in appeal. The learned Single Judge had already declined invocation of the extraordinary discretionary remedy and we are not inclined to interfere with such refusal. However since the petitioner seeks further time to make the deposit, the petitioner shall remit 30% of the penalty amount in two equal monthly instalments, ie., the first instalment will be

made on or before 25.05.2015 and the second instalment will be made on or before 25.06.2015.

The Writ Appeal is dismissed with the above direction.

Sd/-  
***K.VINOD CHANDRAN***  
***Judge***

Sd/-  
***P.VASHA***  
***Judge***

rtr/

/true copy/

**P.V.ASHA, J**

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**R.P. No. in W.P.(C) No.**  
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**O R D E R**

**Dated 31<sup>st</sup> July, 2009.**