

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&

THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WA.No. 615 of 2014 () IN WP(C).30102/2012

AGAINST THE ORDER/JUDGMENT IN WP(C) 30102/2012 of HIGH COURT
OF KERALA DATED 19-07-2013

APPELLANT(S)/PETITIONERS IN W.P[C]:

1. COCHIN SHIPYARD CONTRACTORS FEDERATION
39/643 2B, DHANYA TOWERS,
NEAR RAVIPURAM TEMPLE ARC
COCHIN-682016
REPRESENTED BY ITS GENERAL SECRETARY
SRI.POLSON E.THOMAS.
2. SIGNAL ENGINEERING,
AYROOR PADAM, UPPUKANDAM, PIN-686 692,
REPESENTED BY ITS PROPRIETOR SRI AJI MATHAI.
3. V.J.JACOB,
VELIATHUM POTTAYIL (H) , MULAMTHURUTHY P.O.
COCHIN-682 314.
4. BABY KIZHAKKEKUDY POULOSE
DOOR NO. 367/J/111, PALLIKKARA
KUMARAPURAM P.O., ERNAKULAM-683 565.
5. MICHAEL P.P
PUTHAN PURACKAL (H) , VELLANGAL THOPPU,
THRIPOONITHURA
PIN-682 301.
6. MARINE COATINGS
VELIYATHUPARAMBIL HOUSE,
PARAKKADAVU.P.O., ERNAKULAM
REPRESENTED BY ITS MANAGING DIRECTOR
SRI.V.V.AUGUSTINE.
7. MAXSUN COATINGS,
KAHAMKOMBIL BUILDINGS, NADAKKAVU.P.O.
THRIPOONITHURA-682 307
REPRESENTED BY ITS MANAGING PARTNER,
SRI K.M.JOSE.

8. BOBAN MANI
ERUPOOLUMKATTIL(H) , MANNATHOOR.P.O.
PAMPAKUDA-686 723.
9. M.N.ELECTRICALS & INSTRUMENTATION
SREEVILAS, KARIKODE.P.O., PERUVA
KOTTAYAM-686 610,
REPRESENTED BY ITS PROPRIETOR
M.N.SREEDHARAN NAIR.
10. P.K.HASSAN
PULICKAL(H) , CHERUVATTOOR.P.O. ,
KOTHAMANGALAM
ERNAKULAM-686 691.
11. M.M.MATHAI
KANJIRATHUNGAL(H) , MUDAKUZHA.P.O.
PERUMBAVOOR-683 546.
12. ANTONY T.X
THARAYIL(H) , SOUTH MOOLAMKUZHY,
MUNDAMVELI.P.O.
KOCHI-682 007.
13. SEA MARINE ENGINEERING
PATTALATHU(H) , KATTIPARAMBU, KANNAMALE.P.O.
KOCHI-682 008
REPRESENTED BY ITS PROPRIETOR
SRI ALEXANDER P.R.
14. JIJO MARINE
KANNAMPUZHA ARIKADAN (H) ,
PUTHANCHIRA EAST.P.O.
THRISSUR-680 682
REPRESENTED BY ITS PROPRIETOR SRI JIJO JACOB.
15. UNITED PAINTING COMPANY
DHANYA BUILDING, NEAR RAVIPURAM TEMPLE ARCH
KOCHI-682 016
REPRESENTED BY ITS MANAGING PARTNER
SRI.S.HARSHAKUMAR.
16. U.J.MARINE ENGINEERING
VADAKKUMPADAN (H) , MURINGOOR.P.O. ,
THRISSUR-680 306
REPRESENTED BY ITS MANAGING PATNER,
SRI JOSEPH O.V.
17. KETEES ENTERPRISES
KAVALAKKATTU(H) , MAMBRA, KARUKUTTY.P.O.
PIN - 683 576, REPRESENTED BY ITS PROPRIETOR
SRI K.T.DEVASSY.

BY ADVS.SRI.G.SRIKUMAR (SR)
SRI.P.G.JAYASHANKAR

WA 615/14

RESPONDENT(S)/RESPONDENTS IN WP[C]:

1. UNION OF INDIA
REPRESENTED BY ITS SECRETARY,
MINISTRY OF FINANCE
ROOM NO.34C, NORTH BLOCK, CENTRAL SECRETARIAT
NEW DELHI-110 001.
2. CENTRAL BOARD OF EXCISE AND CUSTOMS
MINISTRY OF FINANCE, DEPARTMENT OF REVENUE
CENTRAL REVENUE BUILDINGS, I.P.ESTATE
NEW DELHI-110 001.
3. THE COMMISSIONER OF CENTRAL EXCISE
C.R.BUILDINGS, I.S.PRESS ROAD, COCHIN-682 018.
4. MINISTRY OF SHIPPING
REPRESENTED BY ITS SECRETARY,
TRANSPORT BHAVAN
1 SANSAD MARG, NEW DELHI-110 001.
5. COCHIN SHIPYARD LTD.
PERUMANOOR.P.O., COCHIN-682 015
REPRESENTED BY ITS MANAGING DIRECTOR.

R2-R3 BY ADV. SRI.SAIBY JOSE KIDANGOOR
R5 BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR
R5 BY ADV. SRI.P.GOPINATH
R5 BY ADV. SRI.P.BENNY THOMAS
R5 BY ADV. SRI.K.JOHN MATHAI
R1&R4 BY ADV. SRI.N.NAGARESH,
ASSISTANT SOLICITOR GENERAL OF INDIA

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 07-04-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

APPELLANTS' ANNEXURES

ANNEXURE A : COPY OF CERTIFICATE ISSUED BY R5 ALONG WITH THE DETAILS OF THE CHALLAN.

ANNEXURE B : COPY OF LETTER BEARING NO.FIN/T&I/5613/12 DATED 22.07.2013 ISSUED BY R5 TO R2.

ANNEXURE C : COPY OF ORDER IN ORIGINAL BEARING NO.4/2014 DATED 05.03.2014.

RESPONDENTS' EXHIBITS

ANNEXURE R4(A) : COPY OF OFFICE MEMORANDUM DATED 21.08.2014.

ANNEXURE-R5(a) : COPY OF STATEMENT SHOWING THE MODE OF DISCHARGE OF SERVICE TAX ON THE ACTIVITY BY THE 5TH RESPONDENT DATED 03.01.2012.

//TRUE COPY//

PA TO JUDGE.

THOTTATHIL B.RADHAKRISHNAN &
K.HARILAL, JJ.

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W.A.No.615 of 2014
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Dated this the 7th day of April, 2015.

J U D G M E N T

Thottathil B.Radhakrishnan, J.

This appeal is by the writ petitioners in WP(C) No.30102 of 2012. Issue raised by them before the learned single Judge was decided relegating the petitioners to raise all their contentions in statutory appeals. With the passage of time, the statutory appeals have been decided, it is submitted. This writ appeal, therefore, does not survive for consideration. All that is required is to preserve all contentions of the writ appellants to be agitated in WP (C) No.26035 of 2014 or in any other proceedings, as may be found necessary. Preserving all such contentions, this writ appeal is dismissed as infructuous.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(K.HARILAL, JUDGE)