

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

WP(C).No. 337 of 2015 (N)

PETITIONER :

**V.K.RAGHAVAN
VAYALIL HOUSE, CHELAD P.O.,
KOTHAMANGALAM
PIN - 686 691.**

**BY ADVS.SRI.K.K.BABU
SMT.N.N.GIRIJA**

RESPONDENT(S) :

**1. THE WELFARE FUND INSPECTOR
KERALA TODDY WORKERS WELFARE FUND BOARD
HOUSING COLONY, VENGALLOOR P.O., IDUKKI DISTRICT
PIN - 685 608.**

**2. THE DEPUTY COMMISSIONER OF EXCISE
EXCISE DIVISION OFFICE, ERNAKULAM -682 018.**

**R1 BY ADVS. SRI. RENIL ANTO, SC
SRI.JOY GEORGE, SC
R2 BY GOVT. PLEADER SRI. BIJU MEENATTOOR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 337 of 2015 (N)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P-1: TRUE COPY OF DEMAND NOTICE NO.B3/MUPA 37 ETC/14-15/863
 DATED 24.5.2014 ISSUED TO THE PETITIONER BY THE 1ST
 RESPONDENT.**
- EXT.P-2: TRUE COPY OF REMINDER NOTICE
 NO.B3/MVPA/GRP.VI/14-15/RN/3894 DATED 8.10.2014 ISSUED TO THE
 PETITIONER BY THE 1ST RESPONDENT.**
- EXT.P-3: TRUE COPY OF THE JUDGEMENT OF THIS HON'BLE COURT DATED
 18.11.2014 IN WPC NO.28783/2014.**
- EXT.P-4: TRUE COPY OF CHALLAN DATED 18.12.2014 FOR THE PAYMENT OF
 RS.42,491/- TO THE KERALA TODDY WORKERS WELFARE FUND
 BOARD.**
- EXT.P-5: TRUE COPY OF LETTER NO.E4-1600/14 DATED 31.12.2014 ISSUED BY
 THE 2ND RESPONDENT TO THE PETITIONER.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K.VINOD CHANDRAN, J

W.P.(C).No. 337 of 2015

Dated this the 9th day of January, 2015

J U D G M E N T

Petitioner is the licensee of toddy shop Nos. 37,38,42,45, 67 and 70 in Group No.6 of Muvattupuzha Excise Range for the year 2014 to 2016. Admittedly, the petitioner has arrears pending in the earlier periods. Petitioner is desirous of renewing the licence for which rental fee has to be paid and clearance certificate obtained on or before 10.01.2015. Petitioner is aggrieved by the fact that no clearance certificate is being issued.

Heard the counsel appearing for the respondent.

Petitioner submits that he is ready to pay 50% of the balance amount, as indicated in Kerala Abkari Shops Disposal Rules, 2002. Specifically by Rule 5(3)(iii), a defaulter of abkari, sales tax and welfare fund dues under the Toddy Workers or Abkari Workers Welfare Fund Act

have to produce clearance certificate from the competent officer that, no dues are outstanding or that 50% of the dues outstanding has been paid. If such deposit is made as per the Rules, there would be no interdiction in issuing the clearance certificate.

Going by the above provision, Rule 5(3)(iii), if the assessee remits 50% of the total arrears outstanding as on 31.12.2014, then the assessee shall be issued with clearance certificate. The second respondent, on the petitioner making the payment of 50% of arrears due as on 31.12.2014, shall immediately, without fail, issue clearance certificate.

Writ petition is disposed off.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge