

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

WP(C).No.567 of 2015 (U)

PETITIONER:

**THE KERALA STATE FINANCIAL ENTERPRISES LTD.,
KARUNAGAPPALLY MAIN BRANCH,
KARUNAGAPPALLY,KOLLAM-690518,
REPRESENTED BY THE MANAGING DIRECTOR
(IN-CHARGE) OF KSFE.**

**BY ADVS.SRI.M.GOPIKRISHNAN NAMBIAR
SRI.P.GOPINATH MENON
SRI.P.BENNY THOMAS
SRI.K.JOHN MATHAI
SRI.JOSON MANAVALAN
SRI.KURYAN THOMAS**

RESPONDENTS:

- 1. UNION OF INDIA,REPRESENTED BY ITS
REVENUE SECRETARY,MINISTRY OF FINANCE,
NEW DELHI-110004.**
- 2. THE COMMISSIONER OF CENTRAL EXCISE (APPEALS),
CENTRAL REVENUE BUILDING, I.S.PRESS ROAD,
COCHIN-682018.**
- 3. THE ADDITIONAL COMMISSIONER OF CENTRAL EXCISE,
CUSTOMS & SERVICE TAX, P.B.NO.13,
ICE BHAVAN,PRESS CLUB ROAD,
THIRUVANANTHAPURAM-695001.**
- 4. THE ASSISTANT COMMISSIONER OF CENTRAL EXCISE,
KOLLAM DIVISION,VARINJAM TOWERS,RESIDENCY ROAD,
KOLLAM-691001.**
- 5. THE SUPERINTENDENT OF CENTRAL EXCISE AND
SERVICE TAX, RANGE-II,KOLLAM-691001.**
- 6. M/S.DHANALAXMI BANK LTD., MADATHIL BUILDING,
MARKET ROAD, KARUNAGAPALLY,KOLLAM-690518,
REPRESENTED BY ITS BRANCH MANAGER.**

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7. THE CENTRAL BOARD OF EXCISE AND CUSTOMS,
NORTH BLOCK,RASHTRAPATI BHAWAN,
DEFENCE HQ,NEW DELHI-110011,
REPRESENTED BY ITS CHAIRMAN.

R1-R5,R7 BY SRI.THOMAS MATHEW NELLIMOOTTIL,SC,
CENTRAL BOARD OF EXCISE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

pk

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APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1:TRUE COPY OF THE ORDER IN ORIGINAL 23/2014-15 ST (ADC)
DATED 29.5.2014 ISSUED BY THE 3RD RESPONDENT TO THE
PETITIONER.**

**EXT.P2:TRUE COPY OF THE APPEAL NO.124/ST/2014 FILED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT DATED 5.7.2014 (WITHOUT
ANNEXURES).**

**EXT.P3:TRUE COPY OF THE STAY PETITION FILED BY THE PETITIONER BEFORE
THE 2ND RESPONDENT DATED 5.7.2014 ALONG WITH EXT.P2 APPEAL.**

**EXT.P4:TRUE COPY OF THE NOTICE NO.IV/16/67/2014-ST-TECH-PT-I
DATED 18.12.2014 ISSUED BY THE 4TH RESPONDENT.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

K. VINOD CHANDRAN, J.

W.P.(C) No. 567 of 2015

Dated this the 08th day of January, 2015

J U D G M E N T

Exhibit P1 is the order passed against the petitioner for the Period 01.10.2007 to 31.03.2010. Against this order, petitioner filed Ext.P2 appeal, which is accompanied by Ext.P3 stay petition before the 2nd respondent. The same are pending before the 2nd respondent. In the meanwhile, it is alleged, coercive proceedings have been threatened. It is in this context, the writ petition has been filed.

2. In the above circumstances, it is directed that the appellate authority, the 2nd respondent herein, shall dispose of Ext.P3 stay application within a period of two months from today and the coercive proceedings be kept in abeyance until such orders are passed; which order shall determine the matter thereafter.

3. Petitioner shall produce a copy of this judgment before the 2nd respondent for compliance.

Writ petition disposed of.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge