

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.613 of 2015 (B)

PETITIONER:

**RAJAN ABRAHAM,S/O.ABRAHAM,
KIZHAKKEDATHU HOUSE,
VELLAYAMKUDI P.O, KATTAPANA TALUK,
IDUKKI DISTRICT.**

BY ADV. SRI.LIJI.J.VADAKEDOM

RESPONDENTS:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF LABOUR AND REHABILITATION,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.**
- 2. THE WELFARE FUND INSPECTOR,
KERALA TODDY WORKERS WELFARE FUND BOARD,
THODUPUZHA,THODUPUZHA P.O.,
IDUKKI DISTRICT-685584.**
- 3. THE DEPUTY EXCISE COMMISSIONER,IDUKKI,
EXCISE DIVISIONAL OFFICE,IDUKKI,THODUPUZHA P.O.,
IDUKKI DISTRICT-685584.**

**R1 & R3 BY SENIOR GOVT. PLEADER SRI.BIJU MEENATTOOR
R2 BY SRI.RENIL ANTO,SC,KTWWF BOARD .**

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

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APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:THE RELEVANT EXTRACT OF THE COPY OF THE LICENSE NO.210/14-17 ISSUED TO THE PETITIONER BY THE 3RD RESPONDENT (ALONG WITH THE TRANSLATED COPY OF THE SAME).

EXT.P1(a):THE RELEVANT EXTRACT OF THE COPY OF THE LICENSE NO.212/14-17 ISSUED TO THE PETITIONER BY THE 3RD RESPONDENT (ALONG WITH THE TRANSLATED COPY OF THE SAME).

EXT.P1(b):THE RELEVANT EXTRACT OF THE COPY OF THE LICENSE NO.215/14-17 ISSUED TO THE PETITIONER BY THE 3RD RESPONDENT (ALONG WITH THE TRANSLATED COPY OF THE SAME).

EXT.P1(c):THE RELEVANT EXTRACT OF THE COPY OF THE LICENSE NO.216/14-17 ISSUED TO THE PETITIONER BY THE 3RD RESPONDENT (ALONG WITH THE TRANSLATED COPY OF THE SAME).

EXT.P2:THE COPY OF THE DETERMINATION ORDER-DO NO.B2/KTPA/GR-1/1 ISSUED TO THE PETITIONER BY THE 2ND RESPONDENT FOR THE PERIOD FROM 01.08.2012 TO 21.3.2013 (ALONG WITH THE TRANSLATED COPY OF THE SAME).

EXT.P3:THE COPY OF THE INTIMATION NO.I.D.2-9475/14 DATED 31.12.2014 ISSUED BY THE 3RD RESPONDENT (ALONG WITH THE TRANSLATED COPY OF THE SAME).

EXT.P4:THE COPY OF THE CHALLAN FOR THE PERIOD 8/2012 TO 3/2013 ISSUED TO THE PETITIONER.

EXT.P4(a):THE COPY OF THE CHALLAN FOR THE PERIOD 4/2014 TO 12/2014 ISSUED TO THE PETITIONER.

EXT.P5:THE COPY OF THE GUIDELINES TO BE FOLLOWED IN THE EXTENSION OF PRIVILEGE OF TODDY SHOPS FOR THE YEAR 2014-2015.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S TO JUDGE

K. Vinod Chandran, J.

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W.P.(C)No.613 of 2015

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Dated this the 8th day of January, 2015.

JUDGMENT

1. Petitioner is the licensee of a toddy shop in Group No.1 of Kattappana Excise Range for various years. Petitioner had been the licensee for the previous years commencing from 2012-13 till date. Petitioner is desirous of renewing licence for 2015-16 also. Petitioner was issued with Ext.P3 notice directing payment of rental and other arrears for the purpose of renewal of licence. In fact, notice as per Ext.P3 also require production of relevant certificates as per 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. Petitioner, obviously, has dues in the previous years. The petitioner

submits that he is willing to clear 50% of the arrears, as indicated in the above provision. If such deposit is made as per the Rules, there would be no interdiction in issuing the clearance certificate. I have heard the learned counsel for the respondent Welfare Fund Board.

2. 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.

K. Vinod Chandran, Judge.

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