

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.624 of 2015 (C)

PETITIONER:

**SUDHEESH,AGED 43 YEARS,S/O.HARIDAS,
PARAMEL HOUSE,THIRUVAZHAYODU P.O.,
VELLENEZHI,SREEKRISHNAPURAM,
CHERPULASSERY,PALAKKAD DISTRICT.**

**BY ADVS.SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH**

RESPONDENT:

**THE WELFARE FUND INSPECTOR,
KERALA TODDY WORKERS WELFARE FUND BOARD,
D.P.O ROAD,THOTTUMKAL,PALAKKAD-678014.**

BY SRI.K.D.BABU,SC,KTWWFB,

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

pk

W.P(C) NO.624/2015

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:THE TRUE COPY OF THE ORDER DATED 28.2.2014 IN WPC 5882/14 OF THE HIGH COURT OF KERALA.

EXT.P2:THE TRUE COPY OF THE COUNTER SIGNED HALAN DATED 5.1.2015 ISSUED BY THE RESPONDENT FOR THE YEAR 2009-2010.

EXT.P2(A):ENGLISH TRANSLATION OF EXHIBIT.P2.

EXT.P3:THE TRUE COPY OF THE COUNTER SIGNED CHALAN DATED 5.1.2015 ISSUED BY THE RESPONDENT FOR THE YEAR 2010-2011.

EXT.P3(A):ENGLISH TRANSLATION OF EXHIBIT P3.

EXT.P4:THE TRUE COPY OF THE COUNTER SIGNED CHALAN DATED 5.1.2015 ISSUED BY THE RESPONDENT FOR THE YEAR 2011-2012.

EXT.P4(A):ENGLISH TRANSLATION OF EXHIBIT P4.

EXT.P5:THE TRUE COPY OF THE COUNTER SIGNED CHALAN DATED 5.1.2015 ISSUED BY THE RESPONDENT FOR THE YEAR 2012-2013.

EXT.P5(A):ENGLISH TRANSLATION OF EXHIBIT P5.

EXT.P6:THE TRUE COPY OF THE COUNTER SIGNED CHALAN DATED 5.1.2015 ISSUED BY THE RESPONDENT FOR THE YEAR 2013-2014.

EXT.P6(A):ENGLISH TRANSLATION OF EXHIBIT.P6.

EXT.P7:THE TRUE COPY OF THE COUNTER SIGNED CHALAN DATED 5.1.2015 ISSUED BY THE RESPONDENT FOR THE YEAR 2014.

EXT.P7(A):ENGLISH TRANSLATION OF EXHIBIT P7.

EXT.P8:A COPY OF THE PETITION SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT TO ALLOW HIM TO PAY 50% OF THE ARREARS AND ON SUCH PAYMENT TO ISSUE A CERTIFICATE STATING PAYMENT OF 50% OF THE ARREARS PENDINGT AGAINST HIM AS REQUIRED UNDER RULE 5(3) (III) OF THE ABKARI SHOPS DISPOSAL RULES DATED 5.1.2015.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

K. Vinod Chandran, J.

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W.P.(C)No.624 of 2015

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Dated this the 8th day of January, 2015.

JUDGMENT

1. Petitioner had been the licensee of toddy shop in Group No.X of Cherpulassery Excise Range for various years. Admittedly, the petitioner has arrears pending in the earlier years. Petitioner is desirous of renewing the licence for which rental fee has to be paid and clearance certificate obtained on or before 10.1.2015. Petitioner is aggrieved by the fact that no clearance certificate is being issued.
2. Heard the counsel appearing for the respondent, who submits that, in the earlier year also, the petitioner had obtained an order as indicated in Ext.P1, wherein 50% of the arrears was satisfied and the remaining 50% is still pending payment. As of now, it is submitted that an amount of more than Rs.6,00,000/- is due as

arrears. Learned counsel for the petitioner, however, submits that, the arrears, in fact, was around Rupees twenty four lakhs and by virtue of Ext.P1 order, he had remitted 50% of the said amount and had also remitted a further amount of Rupees six lakhs. Petitioner also 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.

3. 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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