

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. 630 of 2015 (C)

PETITIONER(S):

**K.B. JIJIMON, AGED 42 YEARS,
S/O.K.K. BHASKARAN, KARIMALAKUNNEL HOUSE,
IDAVETTI P.O., THODUPUZHA, IDUKKI DISTRICT-685 588.**

**BY ADVS.SRI.RENJITH B.MARAR,
SMT.RESHMI JACOB.**

RESPONDENT(S):

- 1. THE WELFARE FUND INSPECTOR,
KERALA TODDY WORKERS WELFARE FUND BOARD,
THODUPUZHA, IDUKKI-685 602.**
- 2. THE CHAIRMAN,
KERALA TODDY WORKERS WELFARE FUND BOARD,
ULOOR, THIRUVANANTHAPURAM-695 011.**
- 3. THE DEPUTY COMMISSIONER OF EXCISE,
IDUKKI EXCISE DIVISION, IDUKKI-685 602.**
- 4. THE PRINCIPAL SECRETARY,
LABOUR DEPARTMENT,
KERALA STATE GOVERNMENT,
THIRUVANANTHAPURAM-695 001.**
- 5. THE DISTRICT COLLECTOR,
IDUKKI DISTRICT-685 602.**

**R1 & R2 BY ADV. SRI.RENIL ANTO, SC.
R3 TO R5 BY GOVT. PLEADER SRI.R. RANJITH.**

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

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE ORDER PASSED BY THE IDUKKI DISTRICT WELFARE FUND INSPECTOR VIDE ORDER NO.B2/TDPA/GR-V/ 17, 18, 19, 55, 56/2011-12 DATED 30/04/2014.
- EXT.P2 COPY OF THE LETTER FORWARDED BY THE PETITIONER DATED 25/07/2014.
- EXT.P3 COPY OF THE ORDER ISSUED BY THE PRINCIPAL SECRETARY, LABOUR DEPARTMENT, DATED 04/12/2014.
- EXT.P4 COPY OF THE DOCUMENTS ISSUED BY THE INFORMATION OFFICER DATED 18/12/2014.
- EXT.P5 COPY OF THE APPEAL PREFERRED BY THE PETITIONER DATED 24/12/2014.
- EXT.P6 COPY OF THE DEMAND NOTICE DATED 12/12/2014.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

K. Vinod Chandran, J.

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W.P.(C)No.630 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.V of Thodupuzha 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.
3. 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.

4. 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.

sl.