

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

WP(C).No. 1590 of 2015 (W)

PETITIONER(S):

**M/S.ANON BUILDERS & DEVELOPERS (P) LTD,
MAMOM, ATTINGAL, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.ANIL D. NAIR
SRI.R.SREEJITH
SRI.J.R.PREM NAVAZ
SMT.C.S.SULEKHA BEEVI
SMT.ROSIE ATHULYA JOSEPH
SRI.P.T.SHEEJISH**

RESPONDENT(S):

- 1. COMMERCIAL TAX OFFICER (WORKS CONTRACT)
COMEMRCIAL TAXES, TAX TOWER, 2ND FLOOR
KARAMANA, THIRUVANANTHAPURAM - 695 001.**
- 2. THE DEPUTY COMMISSIONER (APPEALS)
THIRUVANANTHAPURAM - 695 001.**
- 3. THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY (TAXES)
THIRUVANANTHAPURAM - 695 001.**

BY GOVERNMENT PLEADER SMT.SHOBA ANNAMMA EAPEN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - TRUE COPY OF THE ASSESSMENT ORDER DT. 14.3.14 ISSUED TO THE PETITIONER BY THE FIRST RESPONDENT.**
- P2 - TRUE COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**
- P3 - TRUE COPY OF THE DELAY PETITION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**
- P4- TRUE COPY FO THE STAY PETITION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**
- P5 - TRUE OCPY OF THE LETTER DT. 29.12.14 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.1590 OF 2015

Dated this the 16th day of January, 2015

J U D G M E N T

Against Ext.P1 assessment order, the petitioner has preferred Ext.P2 appeal, Ext.P3 condonation of delay and Ext.P4 stay petition before the 2nd respondent. It is the case of the petitioner that even prior to considering the stay petition, recovery steps are sought to be pursued for recovery of the amounts confirmed by Ext.P1 order.

2. Heard Sri.Anil D.nair, the learned counsel appearing for the petitioner and Smt.Sobha Annamma Eappen, the learned Government Pleader for respondents.

3. On a consideration of the facts and circumstances of the case as also the submissions made across the Bar, I dispose the writ petition with the following directions:

- i. The 2nd respondent shall consider and pass orders on Ext.P3 condonation of delay and Ext.P4 stay petition within a period of two months from the date of receipt of a copy of this judgment, after hearing the petitioner.
- ii. Recovery steps for recovery of amounts

confirmed against petitioner by the assessment orders shall be kept in abeyance till orders are passed by the 2nd respondent as directed above and communicated to the petitioner.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

