

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

WP(C).No. 2264 of 2015 (G)

PETITIONER :

**M/S.DESAI HOMES,
"LEKHA", T.C.NO.IV/2253(1), KURAVANKONAM,
KOWDIAR, THIRUVANANTHAPURAM-695 003,
REPRESENTED BY THE MANAGING PARTNER, V.R.DESAI.**

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

RESPONDENT(S):

- 1. UNION OF INDIA,
REPRESENTED BY ITS REVENUE SECRETARY,
MINISTRY OF FINANCE, NEW DELHI-110 004**
- 2. THE COMMISSIONER OF CENTRAL EXCISE (APPEALS),
CENTRAL REVENUE BUILDING, I.S.PRESS ROAD,
COCHIN-682 018**
- 3. THE ADDITIONAL COMMISSIONER OF CENTRAL
EXCISE & CUSTOMS TCN NO.26/334, ICE BHAVAN,
PRESS CLUB ROAD, THIRUVANANTHAPURAM-695 001**
- 4. THE JOINT COMMISSIONER OF CENTRAL EXCISE & CUSTOMS,
TCN NO.26/334, ICE BHAVAN, PRESS CLUB ROAD,
THIRUVANANTHAPURAM-695 001**
- 5. THE SUPERINTENDENT OF CENTRAL
EXCISE AND SERVICE TAX, GROUP B, 3RD FLOOR,
ICE BHAVAN, PRESS CLUB ROAD, THIRUVANANTHAPURAM-695 001**

R1 TO R5 BY SRI.THOMAS MATHEW NELLIMOOTTIL,SC,CB EX

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.2264/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE ORDER IN ORIGINAL NO.9/2012 ST(ADC) DATED 19/3/2012 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.**
- P2 COPY OF THE APPEAL NO.66/ST/TVM/2012 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 4/6/2012 (WITHOUT ANNEXURES)**
- P3 COPY OF THE STAY PETITION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 4/6/2012 ALONG WITH EXT.P2 APPEAL.**
- P4 COPY OF THE NOTICE NO.O.C.NO.10/2015 DATED 2/1/2015 ISSUED BY THE 5TH RESPONDENT TO THE PETITIONER.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

K. VINOD CHANDRAN, J

W.P(C) No. 2264 of 2015

Dated this the 22nd day of January, 2015

J U D G M E N T

Ext.P1 is the assessment order passed against the petitioner for the period 1.10.2009 to 30.09.2010. Against this order, petitioner filed Ext.P2 appeal, which is accompanied by Ext.P3 stay petition before the 2nd respondent. The appeal and the stay petitions 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 stayed until such orders are passed; which order shall determine the matter thereafter.

3. Petitioner shall produce a copy of this

WPC.No2264/15

: 2 :

judgment before the 2nd respondent for compliance.

Writ petition disposed of.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma //true copy//

P. A to Judge