

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

W.P.(C).No.3037 of 2015 (D)

PETITIONER(S):-

M/S. MIL CONTROLS LIMITED, MELADOOR P.O.,
MALA, THRISSUR;
REPRESENTED BY ITS SENIOR MANAGER - FINANCE - SUBASH.S.

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. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
TAXES DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE ASSISTANT COMMISSIONER -II,
COMMERCIAL TAXES, SPECIAL CIRCULE, THRISSUR - 680 004.
3. THE DEPUTY COMMISSIONER (APPEALS),
COMMERCIAL TAXES, ERNAKULAM - 682 015.
4. THE INSPECTING ASSISTANT COMMISSIONER,
COMMERCIAL TAXES, MINI CIVIL STATION,
IRINJALAKKUDA - 680 125.

BY GOVERNMENT PLEADER SRI.RENNY STEPHEN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 TRUE COPY OF THE ASSESSMENT ORDER DATED 27.11.2014
PASSED BY THE 2ND RESPONDENT PERTAINING TO THE
ASSESSMENT YEAR 2008-09 UNDER THE KVATACT.
- EXT.P2 TRUE COPY OF THE APPEAL MEMORANDUM DATED 13.01.2015
(WITHOUT ANNEXURES) FILED BY THE PETITIONER BEFORE
THE 3RD RESPONDENT, AGAINST EXT.P1 ORDER.
- EXT.P3 TRUE COPY OF THE STAY PETITION DATED 13.01.2015 FILED
BY THE PETITIONER BEFORE THE 3RD RESPONDENT,
AGAINST EXT.P1 ORDER.
- EXT.P4 TRUE COPY OF THE RECOVERY NOTICE DATED 14.01.2015
ISSUED BY THE 4TH RESPONDENT U/S.7 OF THE KERALA
REVENUE RECOVERY ACT, PERTAINING TO EXT.P1 ORDER.

RESPONDENT'S EXHIBITS:-

NIL.

VKU/-

(TRUE COPY)

K. Vinod Chandran, J.

W.P.(C) No.3037 of 2015-D

Dated this the 30th day of January, 2015

JUDGMENT

Exhibit P1 is the assessment order passed against the petitioner for the year 2008-09. Against this order, petitioner filed Ext.P2 appeal, which is accompanied by Ext.P3 stay petition before the 3rd respondent. The appeal and the stay petitions are pending before the 3rd respondent. In the meanwhile, it is alleged, coercive proceedings have been threatened, by Exhibit P4. It is in this context, the writ petition has been filed.

2. In the above circumstances, it is directed that the appellate authority, the 3rd respondent herein, shall dispose of Exhibit 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 judgment before the 3rd respondent for compliance.

Writ petition disposed of.

Sd/-
K. Vinod Chandran,
Judge

vku/

(true copy)