

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

WP(C).No. 4275 of 2015 (H)

PETITIONER:

**T.K. RAJESH KUMAR, MANAGING DIRECTOR,
QUALIS TOOLERS & DESIGNERS PVT. LTD.,
PLOT NO.47, INDUSTRIAL DEVELOPMENT AREA,
PERINGANDOOR, ATHANI, THRISSUR-680581,
RESIDING AT KALARIKKAL HOUSE,
KONIKARRA P.O., OLLUR, THRISSUR DISTRICT.**

**BY SRI.ABRAHAM VAKKANAL (SENIOR ADVOCATE)
ADVS.SRI.PAUL ABRAHAM VAKKANAL
SRI.DIJO SEBASTIAN
SMT.VINEETHA SUSAN THOMAS
SRI.ABY ABRAHAM**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY,
INDUSTRIES & COMMERCE DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.**
- 2. THE STATE LEVEL COMMITTEE FOR
STATE INVESTMENT SUBSIDY,
REPRESENTED BY ITS MEMBER SECRETARY,
DIRECTOR OF INDUSTRIES & COMMERCIAL,
VIKAS BHAVAN, THIRUVANANTHAPURAM-695033.**
- 3. THE GENERAL MANAGER,
DISTRICT INDUSTRIES CENTRE,
AYYANTHOL P.O., THRISSUR-680003.**

BY SENIOR GOVT. PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1: TRUE COPY OF THE ACKNOWLEDGEMENT ISSUED BY THE
3RD RESPONDENT DATED 6.7.2010.
- EXHIBIT P2: TRUE COPY OF LETTER COMMUNICATING SANCTIONING AND
REELEASE OF SUBSIDY DATED 13.3.2013.
- EXHIBIT P3: TRUE COPY OF SALE INVOICE DATED 12.2.2014.
- EXHIBIT P4: TRUE COPY OF REQUEST BY THE PETITIONER TO THE
3RD RESPONDENT DATED 24.2.2014.
- EXHIBIT P5: TRUE COPY OF REMINDER PETITION DATED 10.4.2014.
- EXHIBIT P6: TRUE COPY OF ORDER BY THE PRINCIPAL M.C. DATED 12.5.2014
- EXHIBIT P7: TRUE COPY OF ORDER BY R3 DATED 18.10.2014.
- EXHIBIT P8: TRUE COPY OF INTERIM ORDER DATED 4.12.2014.
- EXHIBIT P9: TRUE COPY OF SHOW CAUSE NOTICE DATED 13.11.2014.
- EXHIBIT P10: TRUE COPY OF REPLY BY THE PETITIONER DATED 12.2.2014.
- EXHIBIT P11: TRUE COPY ORDER BY R3 DATED 14.1.2015.
- EXHIBIT P12: TRUE COPY OF APPEAL BEFORE R1 AND R2 DATED 21.1.2015.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.A. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 4275 of 2015

Dated this the 11th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayer:

"This Hon'ble Court may be pleased to call for the records relating to Ext.P1 to P12:

a writ of mandamus or other appropriate writ, order or direction commanding the 2nd respondent to dispose of Ext.P12 appeal in consultation with the 1st respondent after hearing the petitioner, within a specified time and to stay all recovery proceedings pursuant to Ext.P11 in the meanwhile."

The learned counsel for the petitioner submits that, the grievance of the petitioner has also been projected by way of Ext.P12 appeal and that the petitioner will be satisfied, if a direction is given to the 2nd respondent to have it considered and finalized within a reasonable time.

2. Heard the learned Government Pleader as well.

3. After hearing both the sides, this Court does not find it necessary to go into the merits of the case. The writ petition is disposed of, directing the 2nd respondent to consider and pass

appropriate orders on Ext.P12 in accordance with law, after giving an opportunity of hearing to the petitioner, at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment. Steps for recovery pursuant to Ext.P11 shall be kept in abeyance till such time.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

**P.R. RAMACHANDRA MENON,
JUDGE.**

kp/-