

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

WP(C).No. 4777 of 2015 (V)

PETITIONER(S):

**BINO GOPINATH, AGED 44 YEARS,
S/O. GOPINATH, BHASURI HOUSE,
KURINJIKKAL LANE, AYYANTHOLE,
THRISSUR DISTRICT, PREVIOUSLY RESIDING AT
A8 MAITHRI PARK, AYYANTHOLE P.O., THRISSUR.**

BY ADV. SRI.RAJIT.

RESPONDENT(S):

- 1. DISTRICT COLLECTOR,
COLLECTORATE, AYYANTHOLE,
THRISSUR DISTRICT-680 003.**
- 2. DEPUTY TAHSILDAR (RR),
THRISSUR TALUK, THRISSUR DISTRICT-680 001.**
- 3. COMMERCIAL TAX OFFICER (WC-LT) 1,
OFFICE OF THE DEPUTY COMMISSIONER,
DEPARTMENT OF COMMERCIAL TAXES,
THRISSUR - 680 004.**

BY GOVT. PLEADER SMT.SHOBANAMMA EAPEN.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 4777 of 2015 (V)

APPENDIX

PETITIONER'S EXHIBITS:-

**EXHIBIT-P1- TRUE COPY OF THE FINAL ORDER BEARING
NO. 32081690327/2012-13 DATED 28/12/2012 PASSED BY
THE 3RD RESPONDENT IN RESPECT OF THE PERIOD 01/04/2012
TO 30/09/2012.**

**EXHIBIT-P2- TRUE COPY OF THE NOTICE DATED 20/01/2015 ISSUED BY
THE 3RD RESPONDENT.**

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No. 4777 of 2015 (V)

.....
Dated this the 13th day of February, 2015

JUDGMENT

The petitioner is aggrieved by Ext.P2 revenue recovery notice that has been served on him for recovery of an amount Rs.4,02,475/- together with accrued interest and other charges. The said amounts represent the defaulted tax payments under the Kerala Value Added Tax, Act, 2003. The limited prayer of the petitioner in the writ petition is for the grant of installment to discharge his liability.

2. I have heard Sri.Rajit, learned counsel for the petitioner and Smt.Sobha Annamma Eappen, learned Government Pleader for the respondents.

3. On a consideration of the facts and circumstances of the case and also the submissions made across the Bar, and taking into account the plea of financial hardship urged on behalf of the petitioner, I dispose the writ petition with the following directions:

(i) If the petitioner remits the amount of Rs.4,02,475/- together with accrued interest and other charges in ten equal and successive monthly installments commencing from 27.02.2015, then, the

recovery steps initiated against him pursuant to Ext.P2 shall be kept in abeyance.

(ii) It is made clear that, if the petitioner commits a default in respect of any of the installments, he will lose the benefits of this judgment and the respondents will be free to continue the recovery proceedings against him from the stage at which they presently stand.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/16/02/