

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

WP(C).No. 5681 of 2015 (I)

PETITIONER:

**M/S. RAJESWARI HOSPITAL (NOW DEFUNCT) ,
TALAP KANNUR, REPRESENTED BY
DR. V.P.DEVADAS (FORMER PARTNER)
RESIDING AT ' BABY HOUSE',
NEAR PODUVAL JUNCTION, SHORANUR,
PALAKKAD DISTRICT.**

**BY SRI.T.M.SREEDHARAN (SENIOR ADVOCATE)
ADVS. SRI.V.P.NARAYANAN
SMT.DIVYA RAVINDRAN**

RESPONDENT(S):

- 1. THE TAX RECOVERY OFFICER,
INCOME TAX DEPARTMENT,
O/O.INCOME TAX OFFICER, AAYAKAR BHAVAN,
MANACHIRA, KOZHIKODE - 673 001.**
- 2. THE INCOME TAX OFFICER,
WARD 1, KANNUR - 670001.**
- 3. THE ASSISTANT REGISTRAR,
INCOME TAX APPELLATE TRIBUNAL,
COCHIN BENCH, 1ST FLOOR,
BLOCK C-I AND C-II,KENDRIYA BHAVAN,
OPP. CSEZ, KAKKANAD, COCHIN - 672037.**

BY SRI.JOSE JOSEPH, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1: TRUE COPY OF THE ORDER DATED 31.03.2009 ISSUED BY THE
2ND RESPONDENT.
- P2: TRUE COPY OF THE ORDER DATED 18.03.2011 IN
I.T.A.NO.11/CNR/CIT/CLT/09-10 ISSUED BY THE CIT(A).
- P3: TRUE COPY OF THE ORDER DATED 16.11.2012 IN
I.T.A. NO.476/COCH/2011 ISSUED BY THE ITAT, COCHIN.
- P4: TRUE COPY OF THE ORDER DATED 05.02.2014 IN
ITA. NO.90/KNR/CITCLT/2012-13 ISSUED BY THE CIT(A).
- P5: TRUE COPY OF THE ORDER DATED 04.07.2014 IN
ITA. NO.202/COCH/2014 ISSUED BY THE ITAT, COCHIN BENCH.
- P6: TRUE COPY OF THE ORDER DATED 22.08.2014 ISSUED BY THE
2ND RESPONDENT.
- P7: TRUE COPY OF THE APPLICATION FOR RESTORATION
DATED 08.08.2014 FILED BY THE PETITIONER BEFORE ITAT, COCHIN
BENCH.
- P8: TRUE COPY OF THE APPLICATION DATED 31.12.2014 SUBMITTED BY
THE PETITIONER UNDER THE RIGHT TO INFORMATION ACT.
- P9: TRUE COPY FO THE LETTER NO.TR.11/CNR/14-15 DATED 12.11.2014
ISSUED BY THE 1ST RESPONDENT.
- P10: TRUE COPY OF THE LETTER NO.T.R.11/KNR/2014-15 DATED 02.01.2015
ISSUED BY THE 1ST RESPONDENT.
- P11: TRUE COPY OF THE CHALLAN RECEIPT FOR RS.1 LAKH
DATED 21.11.2014.
- P12: TRUE COPY OF THE CHALLAN RECEIPT DATED 20.12.2014 FOR
RS.5,87,033/-

RESPONDENT(S)' EXHIBITS:

- NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.5681 of 2015

.....
Dated this the 23rd day of February, 2015

J U D G M E N T

Aggrieved by Ext.P5 order of the Appellate Tribunal which, according to the petitioner, was passed without hearing him, the petitioner has preferred Ext.P7 restoration application which is pending before the 3rd respondent Tribunal. The limited prayer of the petitioner in the writ petition is for a direction to the 3rd respondent Tribunal to consider and pass orders on Ext.P7 restoration application filed before him, and till such time to keep in abeyance further proceedings pursuant to Ext.P10 notice.

2. I have heard Sri.T.M.Sreedharan, the learned Senior counsel for the petitioner and Sri.Jose Joseph, the learned Standing counsel for the 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 a direction to the 3rd respondent Tribunal to consider and pass orders on Ext.P7 restoration application within a period of two months from the date of receipt of a copy of this judgment, after hearing the petitioner. It is made clear that coercive steps pursuant to Exts.P9 and P10 notices shall be kept in

abeyance till such time as the 3rd respondent passes orders as directed and communicates the same to the petitioner.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

