

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

WP(C).No. 6172 of 2015 (V)

PETITIONER(S):

**THE MALAYALA MANORAMA CO. LTD.,
K.K.ROAD, KOTTAYAM - 686 001,
REPRESENTED BY ITS CHIEF EDITOR &
MANAGING DIRECTOR SHRI.MAMMEN MATHEW.**

**BY SRI.E.K.NANDAKUMAR, SENIOR ADVOCATE
ADVS.SRI.M.GOPIKRISHNAN NAMBIAR
SRI.P.GOPINATH
SRI.RAMESH CHERIAN JOHN
SRI.KURRYAN THOMAS**

RESPONDENT(S):

- 1. THE DEPUTY COMMISSIONER OF INCOME TAX,
CIRCLE 1, SASTHRI ROAD,
KOTTAYAM - 686 001.**
- 2. THE COMMISSIONER OF INCOME TAX (APPEAL),
SASTHRI ROAD,
KOTTAYAM - 686 001.**

BY SRI.JOSE JOSEPH, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
26-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P1: TRUE COPY OF THE STATEMENT OF COMPUTATION OF TOTAL INCOME TOGETHER WITH SCHEDULE 2 TO THE COMPUTATION CLAIMING DEPRECIATION AND ADDITIONAL DEPRECIATION.

EXT.P2: TRUE COPY OF THE ORDER OF ASSESSMENT DATED 31.12.2014 PASSED BY 1ST RESPONDENT.

EXT.P3: TRUE COPY OF THE LETTER DTD.11.12.2014 ISSUED BY THE FIRST RESPONDENT.

EXT.P4: TRUE COPY OF THE REPLY DTD.15.12.2014 FILED BY THE PETITIONER TO EXT.P3 LETTER.

EXT.P5: TRUE COPY OF THE LETTER DTD.17.12.2014 ISSUED BY THE 1ST RESPONDENT.

EXT.P6: TRUE COPY OF THE LETTER DTD.23.12.2014 ISSUED BY THE PETITIONER TO THE 1ST RESPONDENT (WITHOUT ANNEXURES).

EXT.P7: TRUE COPY OF THE TRIBUNAL ORDER DTD.25.7.2014 PASSED BY THE COCHIN BENCH OF THE APPELLATE TRIBUNAL.

EXT.P8: TRUE COPY OF THE FORM OF APPEAL, STATEMENT OF FACTS AND GROUNDS OF APPEAL DATED 29.1.2015 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT (WITHOUT ANNEXURES).

EXT.P9: TRUE COPY OF THE STAY PETITION DATED 9.2.2015 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P10: TRUE COPY OF THE STAY APPLICATION DATED 9.2.2015 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT U/S220(6) OF THE ACT FOR STAY OF COLLECTION OF TAX.

EXT.P11: TRUE COPY OF THE ORDER DTD.16.2.2015 PASSED BY THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

K. VINOD CHANDRAN, J.
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W.P.(C) No.6172 of 2015 - V
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Dated this the 26th day of February, 2015

J U D G M E N T

Ext.P2 is the assessment order passed against the petitioner for the year 2012-13. Against which, petitioner filed Ext.P8 appeal, which is accompanied by Exts.P9 and P10 stay petitions before the 2nd respondent. Appeal and stay petitions are pending before the 2nd respondent. In the meanwhile, coercive proceedings have been initiated. 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 Exts.P9 and P10 stay applications 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.

Writ petition disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

// true copy //

P.Ato Judge