

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 10TH DAY OF MARCH 2015/19TH PHALGUNA, 1936

WP(C).No.7617 of 2015 (B)

PETITIONER:

**M/S.METSO MINERALS INDIA (P) LTD.,
IST FLOOR,BUILDING NO.10,TOWER A,
DLF CYBER CITY,PHASE II,GURGOAN-122002,
HARYANA,INDIA,REPRESENTED BY RAKESH KUMAR THAKUR,
MANAGING DIRECTOR.**

**BY ADVS.SRI.HARISANKAR V. MENON
SMT.MEERA V.MENON**

RESPONDENTS:

- 1. INTELLIGENCE OFFICER,SQUAD NO.III,
DEPARTMENT OF COMMERCIAL TAXES,
THRISSUR-680001.**
- 2. KERALA VALUE ADDED TAX APPELLATE TRIBUNAL,
SALES TAX COMPLEX,THEVARA,ERNAKULAM-682015.**
- 3. COMMERCIAL TAX OFFICER,
CHALAKUDY,THRISSUR DISTRICT-680001.**

BY GOVERNMENT PLEADER SMT.SOBHA ANNAMMA EAPEN.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.7617 of 2015 (B)

APPENDIX

PETITIONER'S EXHIBITS:

**EXHIBIT P1: COPY OF ORDER ISSUED BY THE 1ST RESPONDENT
DATED 31.10.2008.**

**EXHIBIT P2: COPY OF ORDER ISSUED BY THE DEPUTY COMMISSIONER
(APPEALS), ERNAKULAM DATED 29.5.2013.**

**EXHIBIT P3: COPY OF APPEAL FILED BY THE PETITIONER BEFORE THE 2ND
RESPONDENT DATED 7.10.2013.**

**EXHIBIT P4: COPY OF STAY PETITION FILED BY THE PETITIONER BEFORE THE
2ND RESPONDENT DATED 7.10.2013.**

**EXHIBIT P5: COPY OF ORDER ISSUED BY THE 2ND RESPONDENT
DATED 2.12.2013.**

**EXHIBIT P6: COPY OF ORDER ISSUED BY THE 2ND RESPONDENT
DATED 31.3.2014.**

**EXHIBIT P7: COPY OF PETITION FILED BY THE PETITIONER BEFORE THE 2ND
RESPONDENT DATED 4.11.2014.**

**EXHIBIT P8: COPY OF NOTICE ISSUED BY THE 3RD RESPONDENT
DATED 24.2.2015.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.7617 OF 2015 (B)

Dated this the 10th day of March, 2015

J U D G M E N T

The limited prayer of the petitioner in the writ petition is for a direction to the 2nd respondent Tribunal to consider and pass orders on Ext.P7 petition, filed by the petitioner before it, for extension of the stay already granted by the Tribunal. The apprehension of the petitioner is that, even before the stay petition is taken up by the Tribunal, the respondents will initiate proceedings for recovery of the amounts confirmed against the petitioner by the penalty orders.

2. I have heard the learned counsel appearing for the petitioner as also the learned Government Pleader appearing for the respondents.

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 2nd respondent Tribunal to consider and pass orders on Ext.P7 application within a period of three weeks from the

date of receipt of a copy of this judgment. It make it clear that coercive steps for recovery of any amounts confirmed against the petitioner by the penalty orders in question, shall not be pursued till such time as the 2nd respondent Tribunal passes orders as directed in this judgment, and communicates the same to the petitioner.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp