

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

WP(C).No. 7666 of 2015 (G)

PETITIONER(S):

**SHAINY T.B., W/O.SHAIJU,
UZHINJELIL HOUSE, NAD P.O.,
ALUVA, ERNAKULAM-683 563.**

BY ADV. SRI.DINESH MATHEW J.MURICKEN.

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM,
PALAYAM P.O., PIN-695 001.**
- 2. THE DISTRICT COLLECTOR,
ERNAKULAM, COLLECTORATE,
CIVIL STATION P.O., ERNAKULAM DISTRICT-682 030.**
- 3. THE DEPUTY TAHSILDAR (REVENUE RECOVERY),
OFFICE OF THE DEPUTY TAHSILDAR,
ALUVA, ERNAKULAM DISTRICT-683 101.**
- 4. THE COMMERCIAL TAX OFFICER,
COMMERCIAL TAXES, ALUVA,
ERNAKULAM DISTRICT-683 101.**

BY GOVT. PLEADER SRI.SHYSON P.MANGUZHA.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE REVENUE RECOVERY NOTICE DEMANDING
Rs.1,72,913/- ISSUED BY THE 3RD RESPONDENT DATED 18/12/2014.
- EXT.P1A LEGIBLE WRITTEN COPY OF THE EXT.P1.
- EXT.P2 COPY OF THE REVENUE RECOVERY NOTICE DEMANDING Rs.2,35,280/-
ISSUED BY THE 3RD RESPONDENT DATED 18/12/2014.
- EXT.P2A LEGIBLE WRITTEN COPY OF THE EXT.P2.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No. 7666 of 2015 (G)

.....
Dated this the 11th day of March, 2015

JUDGMENT

The petitioner, who is faced with revenue recovery proceedings for recovery of sales tax arrears, has approached this Court seeking grant of installments for discharging the liability, that is sought to be recovered through the recovery notice issued under the Kerala Revenue Recovery Act, 1968.

2. I have heard Sri.Dinesh Mathew J.Murikan, the learned counsel for the petitioner and Sri.Shyson P.Manguzha, the 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 in particular the plea of financial hardship urged on behalf of the petitioner, I dispose the writ petition with the following directions :

- i. The total amount due from the petitioner to the respondents, as seen from Exts.P1 and P2 notices, is Rs.4,08,193/-, together with accrued interest and other charges. Accordingly, if the petitioner pays the said amount of Rs.4,08,193/-, together with accrued interest and other charges, in ten equal and successive monthly installments commencing from 25.03.2015, then, the recovery steps initiated

against the petitioner for recovery of the amounts 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 benefit 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/12/03/