

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. 7700 of 2015 (J)

PETITIONER :

**SHERIN HIFAB CONTRACTS INDIA PRIVATE LIMITED.,
GCDA SHOPPING COMPLEX, MARINE DRIVE, COCHIN-682 031,
REPRESENTED BY ITS MANAGING DIRECTOR PRINCE VARGHESE.**

**BY ADVS.SRI.S.ANIL KUMAR (TRIVANDRUM)
SRI.K.S.HARIHARAN NAIR
SRI.K.UMAMAHESWAR**

RESPONDENT(S):

- 1. THE INTELLIGENCE INSPECTOR,
O/O. THE INSPECTING ASSISTANT COMMISSIONER
(INTELLIGENCE), COMMERCIAL TAXES, ALAPUZHA-688 001**
- 2. THE COMMERCIAL TAX OFFICER, WORKS CONTRACT,
OFFICE OF THE DEPUTY COMMISSIONER,
DEPARTMENT OF COMMERCIAL TAXES, ERNAKULAM-682 018**
- 3. THE DEPUTY COMMISSIONER (INTELLIGENCE),
DEPARTMENT OF COMMERCIAL TAXES,
THIRUVANANTHAPURAM-695 001**

R1 TO R3 BY SR GOVERNMENT PLEADER SMT. SOBHA ANNAMMA EAPEN

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

sts

WP(C).NO.7700/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE REGISTRATION CERTIFICATE**
- P2 COPY OF THE WORK ORDER DATED 15/03/2014**
- P2(A) COPY OF THE WORK ORDER DATED 17/12/2014.**
- P2(B) COPY OF THE WORK ORDER DATED 20/02/2014**
- P2(C) COPY OF THE WORK ORDER DATED 16/07/2014**
- P3 COPY OF THE DELIVERY NOTE DATED 9/03/2015.**
- P3(A) COPY OF THE DELIVERY NOTE DATED 9/03/2015.**
- P3(B) COPY OF THE DELIVERY NOTE DATED 9/03/2015.**
- P3(C) COPY OF THE DELIVERY NOTE DATED 9/03/2015.**
- P4 COPY OF THE NOTICE DATED 9/03/2015.**
- P5 COPY OF THE MONTHLY RETURN FOR THE MONTH JANUARY, 2015.**
- P5(A) COPY OF THE 3RD QUARTERLY RETURN FOR THE MONTHS OF OCTOBER 2014 TO DECEMBER, 2014.**
- P6 COPY OF THE REPLY FILED BY THE PETITIONER DATED 09/3/2015.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

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W.P.(C) No. 7700 of 2015 (J)

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Dated this the 11th day of March, 2015

JUDGMENT

The petitioner is aggrieved by Ext.P4 detention notice whereby, a consignment of Aluminium Composite Panels for windows, that was being transported at the instance of the petitioner, was detained by the respondents at Kalavoor. In the writ petition the petitioner is aggrieved by the insistence of the respondents that the petitioner must pay the security deposit demanded in the detention notice as a condition for release of the goods and vehicle.

2. Heard Sri.S.Anil Kumar, the learned counsel for the petitioner and Smt.Sobha Annamma Eappen, the learned Government Pleader for the respondents.

3. On a consideration of the facts and circumstances of the case and the submissions made across the Bar, I dispose the writ petition with the following directions:

(i) On a perusal of Ext.P4 detention notice, it is seen that, the objection of the respondents is essentially with regard to the fact that the consignor had not filed the monthly returns for the period from January 2015 as also the period from October to December 2014. It is pointed out by the

learned counsel for the petitioner that, he has since filed the returns for the period in question, and hence that defect has been cured. Be that as it may, I find that the detention on the part of the respondents cannot be said to be unjustified. I take note, however, of the fact that the petitioner is a registered dealer in the State and considering that he has cured the defect that is pointed out, I direct the 1st respondent to release the goods and vehicle, on the petitioner executing a simple bond without sureties for the security deposit amount demanded in Ext.P4 detention notice.

(ii) The respondents shall thereafter transmit the files to the adjudicating authority who shall adjudicate the matter and pass orders, after hearing the petitioner, within two months from the date of receipt of a copy of this judgment.

(iii) The petitioner shall produce a copy of this judgment and a copy of the writ petition before the 1st respondent.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE