

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.7733 of 2015 (N)

PETITIONER:

**JOEMON JOSEPH,S/O.JOSEPH,AGED 42 YEARS,
EDATHALA HOUSE,NEELESWARAM P.O,
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.BABU S. NAIR
SMT.SMITHA BABU**

RESPONDENT:

**THE INTELLIGENCE OFFICER,
SQUAD NO.1,DEPARTMENT OF COMMERCIAL TAXES,
EDAPALLY,COCHIN,ERNAKULAM DISTRICT,PIN-682 024.**

BY 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:**

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APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1-TRUE COPY OF THE PROCEEDINGS OF THE SALES TAX OFFICER
(RECOVERY) COMMERCIAL TAXES, MATTANCHERY, DT. 7-10-2011.**

**EXT.P2-TRUE COPY OF THE PROCEEDINGS OF THE COMMERCIAL TAX
OFFICER, OFFICE OF THE DEPUTY COMMISSIONER, COMMERCIAL
TAXES, MATTANCHERY DATED 19-6-2012.**

**EXT.P3-TRUE COPY OF THE INSPECTION REPORT ISSUED BY THE
INTELLIGENCE OFFICER COMMERCIAL TAXES DEPARTMENT, ALUVA
DATED 4-10-2011.**

**EXT.P4-TRUE COPY OF THE INSPECTION REPORT ISSUED TO THE PETITIONER
BY THE 2ND RESPONDENT DATED 1-11-2012.**

**EXT.P5-TRUE COPY OF THE NOTICE DATED 2-11-2012 ISSUED BY THE
RESPONDENT AS NO.IEC-1/42/12-13 (11-12).**

**EXT.P6-TRUE COPY OF THE NOTICE DATED 20-11-2012 ISSUED BY THE
RESPONDENT AS NO.IEC-1/42/12-13.**

**EXT.P7-TRUE COPY OF THE ORDER ISSUED BY THE RESPONDENT
DATED 20-11-2012 AS NO.IEC/1/42/2012-13 (11-12).**

**EXT.P8-TRUE COPY OF THE ORDER ISSUED BY THE RESPONDENT
DATED 6-12-2012 AS NO.IEC/1/42/2012-13.**

**EXT.P9-TRUE COPY OF THE JUDGMENT DATED 22-1-2015 IN WPC.NO.2358/2015
OF THIS HON'BLE COURT.**

**EXT.P10-TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER
DATED 4-3-2015 BEFORE THE RESPONDENT.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No. 7733 of 2015 (N)

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

JUDGMENT

The limited prayer of the petitioner, who is faced with recovery proceedings for recovery of the amounts confirmed against him by Exts.P7 and P8 orders of penalty, is for a direction to the respondent to consider and pass orders on Ext.P10 application for rectification, that he has filed before the respondent, and to keep the recovery proceedings in abeyance till such time as orders from the said application by the respondent.

2.I have heard Sri.Babu S.Nair, the learned counsel for the petitioner and Smt.Sobha Annamma Eappen, the learned Government Pleader for the respondent.

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 a direction to the respondent to consider and pass orders on Ext.P10 application within a period of one month from the date of receipt of a copy of this judgment, after hearing the petitioner.

Recovery steps for recovery of the amounts confirmed against the petitioner by Exts.P7 and P8 orders shall be kept in abeyance till such time as the respondent passes orders, as directed above, and communicates the same to the petitioner.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/12/03/

