

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

WP(C) .No. 9707 of 2015 (K)

PETITIONER(S) :

KOODARANHI SERVICE CO-OP. BANK LTD.,
NO.L.L.74, KOODARANHI P.O.,
KOZHIKODE - 673 604,
REPRESENTED BY ITS SECRETARY

BY ADVS.SRI.P.S.SREEDHARAN PILLAI
SRI.T.K.SANDEEP
SRI.ARJUN SREEDHAR
SRI.ARUN KRISHNA DHAN
SRI.JOSEPH GEORGE (MULLAKKARIYIL) .

RESPONDENT(S) :

1. THE INCOME TAX OFFICER,
WARD NO.2(3), AAYANKAR BHAVAN, MANACHIRA,
KOZHIKODE - 673 001.
2. THE COMMISSIONER OF INCOME TAX (APPEAL) ,
KOZHIKODE - 673 001.

BY SRI.K.M.V.PANDALAI, SC, INCOME TAX DEPARTMENT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT. P1- A TRUE COPY OF THE ORDER DATED 28.2.2014.
- EXT. P2- A TRUE COPY OF THE APPEAL DATED 3.4.14 FILED BEFORE THE 2ND RESPONDENT.
- EXT. P3- A TRUE COPY OF THE ORDER DATED 1.8.2014 ISSUED BY THE 1ST RESPONDENT.
- EXT. P4- A TRUE COPY OF THE LETTER DATED 9.8.2014 SUBMITTED TO THE 1ST RESPONDENT.
- EXT. P5- A TRUE COPY OF THE ORDER DATED 16/12/2014 ISSUED BY 1ST RESPONDENT.
- EXT. P6- A TRUE COPY OF THE COMPUTERISED RECEIPT ISSUED BY STATE BANK OF INDIA DATED NIL.
- EXT. P7- A TRUE COPY OF THE DEMAND NOTICE DATED 30.10.2014 FOR AY 2009-10 ISSUED BY 1ST RESPONDENT.
- EXT. P8- A TRUE COPY OF THE DEMAND NOTICE DATED 29.10.2014 FOR AY 2012-13 ISSUED BY 1ST RESPONDENT.
- EXT. P9- A TRUE COPY OF THE COVERING LETTER DATED 9.12.2014 IN RESPECT OF ASSESSMENT ORDER FOR AY 2009-10 SUBMITTED IN APPEAL BY THE PETITIONER.
- EXT. P10- A TRUE COPY OF THE COVERING LETTER DATED 9.12.2014 IN RESPECT OF ASSESSMENT ORDER FOR AY 2012-13 SUBMITTED IN APPEAL BY THE PETITIONER.
- EXT. P11- A TRUE COPY OF THE NOTICE DATED 6.3.2015 IN RESPECT OF ASSESSMENT ORDER FOR AY 2009-10.
- EXT. P12- A TRUE COPY OF THE NOTICE DATED 6.3.2015 IN RESPECT OF ASSESSMENT ORDER FOR AY 2012-13.
- EXT. P13- A TRUE COPY OF THE STAY PETITION FILED BY PETITIONER ALONG WITH EXT.P2 APPEAL.
- EXT. P14- A TRUE COPY OF THE APPEAL MEMORANDUM (IN CONNECTION WITH AY 2009-10) DATED 02/12/2014 ALONG WITH STAY PETITION FILED BEFORE THE 2ND RESPONDENT.
- EXT. P15- A TRUE COPY OF THE APPEAL MEMORANDUM (IN CONNECTION WITH AY 2012-13) DATED 03/12/2014 ALONG WITH STAY PETITION FILED BEFORE THE 2ND RESPONDENT.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.MUHAMED MUSTAQUE, J.

W.P.(C).No. 9709 of 2015

Dated this the 26th day of May, 2015

J U D G M E N T

The petitioner, as against Ext.P1 Assessment order for the year 2008-2009, 2009-2010 and 2012-13 filed appeal before the 2nd respondent. The petitioner also filed an application for stay against the recovery proceedings of Assessment order. The petitioner approached this Court on account of the recovery proceedings pursuant to Assessment Order.

2. In view of the above, there shall be a direction to the 2nd respondent to consider the stay petition within a period of two months after issuing notice to the petitioner. Till the disposal of stay application, all recovery proceedings based on Assessment Order shall be kept abeyance. The petitioner shall produce the copy of the

judgment along with the writ petition before the 2nd
respondent for compliance

The writ petition is disposed of as above.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/