

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

WP(C).No. 9789 of 2015 (W)

PETITIONER:

**THE ALAPPUZHA DISTRICT CO-OPERATIVE BANK LTD.,
HEAD OFFICE, P.B.NO.104, ALAPPUZHA,
REPRESENTED BY ITS GENERAL MANAGER, JOLLY JOHN.**

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

RESPONDENT(S):

- 1. ADDITIONAL COMMISSIONER OF INCOME TAX,
ALAPPUZHA RANGE, ALAPPUZHA-688001.**
- 2. COMMISSIONER OF INCOME TAX(APPEALS)V,
KERA BHAVAN, ERNAKULAM-682015.**
- 3. ASST.COMMISSIONER OF INCOME TAX,
CIRCLE-I, ALAPPUZHA-688001.**
- 4. COMMISSIONER OF INCOME TAX(APPEALS),
AAYAKAR BHAVAN, KAWDIAR,
THIRUVANANTHAPURAM-695005.**

**BY SRI.P.K.R.MENON,(SENIOR COUNSEL)
BY SRI.JOSE JOSEPH, SC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 14-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1 : COPY OF ASSESSMENT ORDER ISSUED BY THE 1ST RESPONDENT
DATED 28.3.2013.
- EXT.P1(A) : COPY OF ASSESSMENT ORDER ISSUED BY THE 1ST RESPONDENT
DATED 31.3.2014.
- EXT.P2 : COPY OF APPEAL FILED BY THE PETITIONER BEFORE THE
2ND RESPONDENT DATED 2.4.2013.
- EXT.P2(A) : COPY OF APPEAL FILED BY THE PETITIONER BEFORE THE
2ND RESPONDENT DATED 28.4.2014.
- EXT.P3 : COPY OF PETITION FILED BY THE PETITIONER BEFORE THE
3RD RESPONDENT DATED 4.8.2014.
- EXT.P3(A): COPY OF PETITION FILED BY THE PETITIONER BEFORE THE
3RD RESPONDENT DATED 19.6.2014.
- EXT.P4 : COPY OF STAY PETITION FILED BY THE PETITIONER BEFORE THE
2ND RESPONDENT DATED 11.8.2014.
- EXT.P4(A) : COPY OF STAY PETITION FILED BY THE PETITIONER BEFORE THE
2ND RESPONDENT DATED 11.8.2014.
- EXT.P5 : COPY OF ORDER PASSED BY THE 2ND RESPONDENT
DATED 29.9.2014.
- EXT.P6 : COPY OF LETTER ISSUED BY THE COMMISSIONER OF INCOME-TAX
(APPEALS), KOTTAYAM DATED 20.3.2015.
- EXT.P7 : COPY OF LETTER ISSUED BY THE 3RD RESPONDENT DATED 2.1.2015.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A. MUHAMED MUSTAQUE, J.

W.P(C). No. 9789 of 2015

Dated this the 14th day of July, 2015

J U D G M E N T

Petitioner has filed appeal before the 2nd respondent challenging assessment orders for the years 2010-11 & 2011-12. Thereafter the files have been transmitted to the 4th respondent. The petitioner has remitted the amount as ordered in Ext.P5. Petitioner has approached this Court threatening recovery for the remaining amount.

2. Considering the fact that the petitioner has already paid the amount as per Ext.P5 order of the appellate authority, I am of the view that, the appeal requires to be disposed of. Accordingly, following directions are issued:

- (i) The 4th respondent is directed to dispose of the appeal as expeditiously as possible, after hearing the petitioner.
- (ii) Till disposal of the appeal, all recovery proceedings are stayed.

This writ petition is disposed of.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE.