IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

FRIDAY, THE 24TH DAY OF APRIL 2015/4TH VAISAKHA, 1937

WP(C).No. 12983 of 2015 (W)

PETITIONER(S):

THE VARKALA SERVICE CO-OPERATIVE BANK LIMITED,
PONNUMMOODU POST, VARKALA P.O.,
THIRUVANANTHAPURAM-695 141,
REPRESENTED BY ITS SECRETARY-IN-CHARGE
SRI.GOPALAKURUP.

BY SRI.T.M.SREEDHARAN, SENIOR ADVOCATE
ADVS. SRI.V.P.NARAYANAN
SMT.DIVYA RAVINDRAN

RESPONDENT(S):

1. THE INCOME TAX OFFICER,
WARD 2(3), KOWDIAR, THIRUVANANTHAPURAM-695 003.

2. THE COMMISSIONER OF INCOME TAX (APPEALS),
2ND FLOOR, AAYAKAR BHAVAN, KOWDIAR,
THIRUVANANTHAPURAM-695 003.

3. THE MANAGER,
TRIVANDRUM DISTRICT CO-OPERATIVE BANK LTD.,
VARKALA MAIN BRANCH, THIRUVANANTHAPURAM-695 141.

R1 & R2 BY ADV. SRI.K.M.V. PANDALAI
R3 BY ADV. SRI.T.R.HARIKUMAR, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

msv/

WP(C).No. 12983 of 2015 (W)
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APPENDIX

PETITIONER(S)' EXHIBITS

P1 : **A TRUE COPY OF THE ASSESSMENT ORDER DTD.28.3.2014 ALONG WITH COMPUTATION OF INCOME AND DEMAND NOTICE.**

P2 : **A TRUE COPY OF THE MEMORANDUM OF APPEAL DTD.15.3.2014 FILED BEFORE THE 2ND RESPONDENT.**

P2(a): **A TRUE COPY OF STAY PETITION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**

P3 : **TRUE COPY OF NOTICE DTD.26.3.2015 ISSUED U/S. 226(3)BY THE 1ST RESPONDENT.**

P4 : **A TRUE COPY OF THE REPLY DTD.31.3.2015 VIDE NO.AAAV3016G/2-2(5)/TVM/2014-15.**

RESPONDENT(S)' EXHIBITS:
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NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ANIL K.NARENDRAN, J

W.P.(C)No.12983 Of 2015

DATED THIS THE 24th DAY OF APRIL, 2015

JUDGMENT

The petitioner is an assessee, who had been issued with Ext.P1 order of assessment of the 1st respondent for the assessment year 2008-09. Aggrieved by the same, the petitioner filed Ext.P2 appeal before the 2nd respondent along with Ext.P2(a) stay petition. Now the grievance of the petitioner is that during the pendency of the appeal and stay petition coercive steps are being initiated against the petitioner as evidenced by Ext.P3. The petitioner has also moved an application under Section 220(6) of the Income-tax Act before the 1st respondent, which was disposed of by Ext.P4, without granting an order of stay and by permitting the petitioner to remit the entire amount in six monthly instalments.

2. I heard arguments of the learned counsel for the petitioner and also the learned Standing Counsel for respondents 1 and 2.

Considering the fact that Ext.P2(a) stay petition filed by the petitioner is pending consideration before the 2nd respondent, who is the appellate authority, I deem it appropriate to dispose of this writ petition directing the 2nd respondent to consider and pass appropriate orders on Ext.P2(a) stay petition, as expeditiously as possible, at any rate within a period of one month from the date of receipt of a certified copy of this judgment. Till such time all recovery proceedings pursuant to Ext.P3 demand notice shall be kept in abeyance, so also the operation of Ext.P4 order.

Sd/-
ANIL K.NARENDRAN,
JUDGE

dsn