

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 8TH DAY OF MAY 2015/18TH VAISAKHA, 1937

WP(C).No. 13647 of 2015 (E)

PETITIONER(S) :

**M/S. THATHA HI-TECH INDUSTRIES,
8/817, NIDA, KANJIKODE, PALAKKAD,
REPRESENTED BY ITS MANAGING PARTNER,
SRI.PRADHIP.T.INASU.**

**BY ADVS.SRI.N.MURALEEDHARAN NAIR
SRI.V.K.SHAMUSUDHEEN**

RESPONDENT(S) :

- 1. THE COMMERCIAL TAX OFFICER,
IIIRD CIRCLE, PALAKKAD-678 001.**
- 2. THE ASSISTANT COMMISSIONER(APPEALS),
DEPARTMENT OF COMMERCIAL TAXES, PALAKKAD-678 001.**
- 3. THE INSPECTING ASSISTANT COMMISSIONER,
DEPARTMENT OF COMMERCIAL TAXES, PALAKKAD-678 001.**

BY GOVERNMENT PLEADER SRI.P.FAZIL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE ASSESSMENT ORDER PASSED BY
1ST RESPONDENT FOR THE YEAR 2013-14 DATED 11.07.2014.**
- EXT.P2: TRUE COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE
THE 2ND RESPONDENT DATED 16.08.2014.**
- EXT.P3: TRUE COPY OF THE STAY PETITION FILED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT DATED 16.08.2014.**
- EXT.P4: TRUE COPY OF THE INTERIM ORDER PASSED BY
2ND RESPONDENT DATED 11.03.2015.**
- EXT.P5: TRUE COPY OF THE DEMAND NOTICE UNDER SECTION 7 OF
THE REVENUE RECOVERY ACT ISSUED BY 3RD RESPONDENT
DATED 08.08.2014.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.13647 of 2015

Dated this the 8th day of May, 2015

JUDGMENT

The petitioner approached this Court aggrieved by the condition order passed in an appeal for stay directing the petitioner to pay 30% of the disputed amount. The petitioner submits that this is not a non-speaking order and therefore, is liable to be set aside.

In the light of the above, the impugned order is set aside and there shall be a direction to the second respondent to reconsider the stay application within two months. Till a decision is taken in the stay application, all recovery proceedings pursuant to the assessment order is stayed.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

ln