

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.13749 of 2015 (P)

PETITIONER:

**M/S.KUNNATH PHARMACEUTICALS,
DOOR A NO.VII/791(328 A & B),MUDAVOOR P.O,
MUVATTUPUZHA-686 669,REP. BY ITS PROPRIETOR,
MR.ABRAHAM K.C.**

**BY ADVS.SRI.M.GOPIKRISHNAN NAMBIAR
SRI.P.GOPINATH
SRI.P.BENNY THOMAS
SRI.K.JOHN MATHAI
SRI.JOSON MANAVALAN
SRI.KURYAN THOMAS
SRI.RAJA KANNAN**

RESPONDENT'S:

- 1. STATE OF KERALA,
REP. BY ITS SECRETARY TO GOVERNMENT,
TAXES DEPARTMENT,SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE ASSISTANT COMMISSIONER-I,
COMMERCIAL TAXES,SPECIAL CIRCLE,
PERUMBAVOOR-683 542.**
- 3. THE DEPUTY COMMISSIONER (APPEALS),
COMMERCIAL TAXES,COMMERCIAL TAX COMPLEX,
PERUMANOOR P.O,KOCHI-682016.**
- 4. THE DEPUTY TAHSILDAR (RR),
TALUK OFFICE,MUVATTUPUZHA-686 669.**

R1 TO R4 BY GOVT. PLEADER SRI.FAZIL.P

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

WP(C).No.13749 of 2015 (P)

APPENDIX

PETITIONER'S EXHIBITS:

EXT P1:TRUE COPY OF THE ASSESSMENT ORDER DATED 22-1-2015 ISSUED TO THE PETITIONER BY THE 2ND RESPONDENT PERTAINING TO THE A.Y 2010-11 UNDER THE CST ACT.

EXT P2:TRUE COPY OF THE APPEAL MEMORANDUM DATED 17-3-2015 (WITHOUT ANNEXURES) FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT, AGAINST EXT P1 ORDER.

EXT P3:TRUE COPY OF THE STAY PETITION DATED 17-3-2015 FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT AGAINST EXT P1 ORDER (WITHOUT ANNEXURES).

EXT P4:TRUE COPY OF THE DEMAND NOTICE DATED 20-4-2015 ISSUED TO THE PETITIONER BY THE 4TH RESPONDENT U/S.7 OF THE KERALA REVENUE RECOVERY ACT, PERTAINING TO EXT P1 ORDER.

EXT P5:TRUE COPY OF THE JUDGMENT OF THE HON'BLE HIGH COURT OF KERALA DATED 2-7-2013 IN WA 937/2013 ISSUED TO THE PETITIONER.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C)No.13749 OF 2015

Dated this the 8th day of May, 2015

JUDGMENT

Aggrieved by Ext.P1 order, petitioner has approached the third respondent in appeal and also filed an application for stay against recovery pursuant to Ext.P1 order.

2. Heard learned counsel for the parties and perused the materials available on record.

3. In view of the pendency of the application for stay, there will be direction to the third respondent to consider the stay application, as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment, after affording an opportunity of hearing to the petitioner and the fifth respondent. Till a decision is taken in the matter, all further proceedings pursuant to Ext.P4 revenue recovery notice shall be kept in abeyance.

Writ petition is disposed of.

**A.MUHAMED MUSTAQUE
JUDGE**

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