

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 15TH DAY OF MAY 2015/25TH VAISAKHA, 1937

WP(C).No. 14512 of 2015 (L)

PETITIONER:

M/S.SVA STEEL RE-ROLLING MILLS NATTUKAL PVT LTD.,
V-980, NATTUKAL POST, CHITTUR TALUK
PALAKKAD, REPRESENTED BY ITS DIRECTOR
SRI.R.ELANGOVAN.

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

RESPONDENTS:

1. THE ASSISTANT COMMISSIONER (KAVAT)
COMMERCIAL TAXES, SPECIAL CIRCLE, PALAKKAD-678001.
2. THE DEPUTY COMMISSIONER (APPEALS)
DEPARTMENT OF COMMERCIAL TAXES, ERNAKULAM-682015.

R1 & R2 BY GOVERNMENT PLEADER SRI.LIJU V.STEPHEN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
15-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 14512 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT. P1 : TRUE COPY OF THE ASSESSMENT ORDER PASSED BY R1 FOR THE YEAR 2009-2010 DT.30-3-2015.

EXT. P2 : TRUE COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE R2 DT.16-4-2015.

EXT. P3 : TRUE COPY OF THE STAY PETITION FILED BY THE PETITIONER BEFORE R2 DT.16-4-2015.

EXT. P4 : TRUE COPY OF THE ARREAR NOTICE IN FORM NO.12A ISSUED BY R1 FOR THE YEAR 2009-10 DT.5-5-2015.

RESPONDENT(S)' EXHIBITS:

NIL

// TRUE COPY //

P.A TO JUDGE.

ALEXANDER THOMAS, J.

W.P.(C).No.14512 Of 2015

Dated this the 15th day of May, 2015.

J U D G M E N T

The Writ Petition is filed with the following prayers:

“(a) To issue a writ of mandamus or any other writ, order or direction, directing the 2nd respondent to pass orders on Exts.P2 and P3 appeal and Petition as expeditiously as possible.

(b) To issue a writ of mandamus or any other writ, order or direction, directing the respondents not to take any steps to realise the amount due under Exhibit. P1 assessment order and demanded under Ext.P4 arrear notice, pending decision on Ext.P2 appeal;

and

(c) To pass such other orders as this Hon'ble Court may deem fit to grant in the circumstances of the case.”

2. Sri.N.Muraleedharan Nair, learned counsel for the petitioner, confines his prayer for a direction to the 2nd respondent to consider and pass orders on Ext.P3 stay petition filed in Ext.P2 appeal without any further delay and to keep in abeyance the impugned proceedings, until then.

3. Heard Sri.N.Muraleedharan Nair, learned counsel for the petitioner and learned Government Pleader for official respondents.

4. In the facts and circumstances of the case, it is ordered in the interest of justice that the 2nd respondent will take up for

W.P.(C).No.14512 Of 2015

consideration Ext.P3 stay petition without any further delay and pass appropriate orders thereon within a period of one month from the date of production of a certified copy of this judgment. It is made clear that this order is passed without going into the merits of the matter and it is fully within the discretion of the 2nd respondent appellate authority to pass necessary orders on Ext.P3 stay petition in accordance with law. Until orders are passed on Ext.P3 stay petition as aforesaid, further coercive proceedings pursuant to Ext.P-4 will be kept in abeyance.

With these observations and directions, the Writ Petition stands finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-