

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

WP(C).No. 15034 of 2015 (D)

PETITIONER(S) :

DEVAMATHA ROCK PRODUCTS,
ODAKKALY, ASAMANNOOR P.O, PERUMBAVOOR,
REPRESENTED BY ITS PARTNER N.D.JOSEPH.

BY ADVS.SRI.PHILIP J.VETTICKATTU
SRI.B.PREMNATH (E) .

RESPONDENT(S) :

THE DEPUTY COMMISSIONER(APPEALS) ,
COMMERCIAL TAXES,
MATTANCHERRY. PIN - 682 002.

BY SENIOR GOVERNMENT PLEADER SMT. SOBHA ANNAMMA EAPEN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs .

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT.P1 A TRUE COPY OF SHOP INSPECTION REPORTS BEARING NOS. 180615 AND 180616.
- EXT.P2 A TRUE COPY OF ORDER DATED 20/11/2014 ISSUED BY THE INTELLIGENCE OFFICER.
- EXT.P3 A TRUE COPY OF APPEAL FILED BY THE PETITIONER BEFORE THE RESPONDENT.
- EXT.P4 A TRUE COPY OF ORDER DATED 16/1/2015 IN STAY PETITION FILED ALONG WITH EXT.P2 APPEAL.
- EXT.P5 A TRUE COPY OF CERTIFICATE DATED 1/12/2014 ISSUED BY THE KSEB AUTHORITY TO THE EFFECT THAT THE NON-FUNCTIONING OF THE CONE CRUSHER.
- EXT.P6 A TRUE COPY OF JUDGMENT DATED 5/3/2015 IN W.P.C NO.7054/2015 OF THIS HON'BLE COURT.
- EXT.P7 A TRUE COPY OF JUDGMENT DATED 25/3/2015 IN R.P.NO.311/2015 OF THIS HON'BLE COURT.
- EXT.P8 A TRUE COPY OF JUDGMENT DATED 7/4/2015 IN W.A.NO. 800/2015 OF THIS HON'BLE COURT.
- EXT.P9 A TRUE COPY OF ORDER IN S.L.P. NO. 13133/2015 OF SUPREME COURT OF INDIA

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.15034 of 2015

Dated this the 22nd day of May, 2015

J U D G M E N T

The petitioner has approached this Court seeking disposal of Ext.P3 appeal within one month. As per Ext.P4 conditional order, the petitioner was directed to deposit 30% of the amount demanded and furnish security for the balance amount within three weeks of receipt of the order. Aggrieved by the same, the petitioner has filed W.P.(C).No.7054 of 2015. By Ext.P6, this Court has given time up to 28.03.2015 to comply with Ext.P4 order. The petitioner challenged the same in review and in appeal, unsuccessfully. The petitioner also moved the Honourable Supreme Court. Six weeks time to comply with the conditional order was granted by the Apex Court. The petitioner submits that, if the appeal is disposed of within one month, he need not pay any penalty.

2. The learned Government Pleader opposes the prayer of the petitioner and submits that, the petitioner having unsuccessful in obtaining relief from this Court regarding conditional order, he cannot be given the relief sought for.

Considering the facts and circumstances of the case, this writ petition is disposed of directing the respondent to consider

Ext.P3 appeal within a period of three months from the date of receipt of a copy of this judgment.

Sd/-
A.MUHAMED MUSTAQUE, JUDGE.

AV