IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

WP(C).No. 15413 of 2015 (B)

PETITIONER(S) :

GILEAD MARIAN ORPHANAGE & RETREAT CENTRE
VADAKARA, OLIYAPURAM P.O., ERNAKULAM DISTRICT
PIN 686679
REPRESENTED BY ITS MANAGING TRUSTEE FR.ALIAS JOHN.

BY ADVS.SRI.V.M.KURIAN
SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS
SRI.ISAC T.PAUL

RESPONDENT(S) :
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1. THE DEPUTY DIRECTOR OF INCOME TAX (EXEMPTION)
RANGE-4, C.R.BUILDING, I.S.PRESS ROAD
ERNAKULAM, PIN 682018.

2. THE COMMISSIONER OF INCOME TAX (APPEALS)
KERA BHAVAN, S.R.V.H.S.ROAD, ERNAKULAM
PIN 682011.

3. THE TAX RECOVERY OFFICER (EXEMPTION)
3RD FLOOR, C.R.BUILDING, I.S.PRESS ROAD
ERNAKULAM, PIN 682018.

BY SRI.CHRISTOPHER ABRAHAM, SC, IT DEPARTMENT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VS

WP(C).No. 15413 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1:	TRUE PHOTOCOPY OF THE ASSESSMENT ORDER DATED 29.12.2010 PASSED BY 1ST RESPONDENT.
EXHIBIT-P2:	TRUE PHOTOCOPY OF MEMORANDUM OF APPEAL FILED BY THE PETITIONER BEFORE 2ND RESPONDENT.
EXHIBIT-P3:	TRUE PHOTOCOPY OF THE DEMAND NOTICE DATED 24.03.2015 ISSUED BY THE 3RD RESPONDENT.
EXHIBIT-P4:	TRUE PHOTOCOPY OF THE STAY PETITION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS NIL

/TRUE COPY/

PA TO JUDGE

VS

A.MUHAMED MUSTAQUE, J

W.P.(C).No.15413 of 2015

Dated this the 26th day of May, 2015

JUDGMENT

The petitioner as against the assessment order preferred an appeal. This appeal has been preferred four years ago. In the meanwhile, the petitioner was served with the recovery notice pursuant to assessment order. The petitioner thereafter, moved a stay application. Ext.P4 is the application for stay. In the view of the pendency of stay application as above, there shall be a direction to the fourth respondent to consider the stay application after notice to the petitioner within three months. Till the disposal of stay application, recovery proceedings based on the assessment order shall be kept in abeyance.

The writ petition is disposed of.

Sd/-
A.MUHAMED MUSTAQUE
JUDGE

vs