

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

WP(C).No.16742 of 2015 (P)

PETITIONER:

**MANANTHAVADY CO-OPERATIVE URBAN SOCIETY LIMITED
NO.W-221,MANANTHAVADY P.O,WAYANAD DISTRICT,
REPRESENTED BY ITS SECRETARY.**

BY ADV.SRI.O.D.SIVADAS

RESPONDENT'S:

- 1. THE INCOME TAX OFFICER,WARD NO.2(5),
KOZHIKODE,KOZHIKODE DISTRICT-673001.**
- 2. THE COMMISSIONER OF INCOME TAX (APPEALS),
AAYAKAR BHAVAN,MANACHIRA,KOZHIKODE-673001.**

BY SRI.K.M.V.PANDALAI,S.C,INCOME TAX DEPARTMENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.16742 of 2015 (P)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE ASSESSMENT ORDER FOR 2012-13.

EXT.P2: COPY OF THE APPEAL FOR THE ASSESSMENT YEAR 2012-13.

EXT.P3: COPY OF THE STAY PETITION FOR THE ASSESSMENT YEAR 2012-13.

EXT.P4: COPY OF THE DELAY PETITION FILED ALONG WITH THE APPEAL.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.16742 of 2015

Dated this the 4th day of June, 2015

J U D G M E N T

The petitioner has filed Ext.P2 appeal and Ext.P3 stay petition along with Ext.P4 delay condonation petition against Ext.P1 assessment order. However, the petitioner was threatened with recovery proceedings. Aggrieved by the same, the petitioner approached this Court.

2. Heard the learned counsel for the petitioner as well as the learned Government Pleader for the respondents.

Considering the facts and circumstances of the case, this writ petition is disposed of directing the 2nd respondent to consider the delay condonation petition within a period of one month from the date of receipt of a copy of this judgment. If the delay condonation petition is allowed, the stay application shall be considered within a further period of three months, after issuing notice to the petitioner. Till a final decision is taken as directed above, all coercive proceedings shall be kept in abeyance. The petitioner shall produce a copy of this judgment along with a copy of this writ petition before the 2nd respondent for compliance.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.