

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 19TH DAY OF JUNE 2015/29TH JYAISHTA, 1937

WP(C).No. 18532 of 2015 (N)

PETITIONER(S) :

DEVAMATHA ROCK PRODUCTS
ODAKKALY,
ASAMANNOOR PO
PERUMBAVOOR
REPRESENTED BY ITS PARTNER ND JOSEPH

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

RESPONDENT(S) :

1. THE DEPUTY COMMISSIONER (APPEALS)
COMMERCIAL TAXES,
MATTANCHERRY 682 002.
2. INTELLIGENCE OFFICER
COMMERCIAL TAXES
SQUAD NO.V
MATTANCHERRY
MINI CIVIL STATION
PERUMBAVOOR 683 542
3. THE INSPECTING ASSISTANT COMMISSIONER (RR)
COMMERCIAL TAXES
MUVATTUPUZHA 686 661.

R BY GOVERNMENT PLEADER SMT.SOBHA ANNAMMA EAPEN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
19-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1 TRUE COPY OF SHOP INSPECTION REPORTS BEARING NOS.180615 AND 180616

EXT.P2 TRUE COPY OF ORDER 20/11/2014 ISSUED BY THE INTELLIGENCE OFFICER

EXT.P3 TRUE COPY OF APPEAL FILED BY THE PETITIONER BEFORE THE RESPONDENT.

EXT.P4 TRUE COPY OF ORDER DT.16/1/2015 IN STAY PETITION FILED ALONG WITH EXT.P2 APPEAL.

EXT.P5 TRUE COPY OF CERTIFICATE DT.1/12/2014 ISSUED BY THE KSEB AUTHORITY TO THE EFFECT THAT THE NON FUNCTIONING OF THE CONE CRUSHER.

EXT.P6 TRUE COPY OF JUDGMENT DT.5/3/2015 IN WPC 7054/2015 OF THIS COURT.

EXT.P7 TRUE COPY OF JUDGMENT DT.25/3/2015 IN RP NO.311/2015 OF THIS COURT.

EXT.P8 TRUE COPY OF JUDGMENT DT.7/4/2015 IN WA NO.800/2015 OF THIS COURT.

EXT.P9 TRUE COPY OF ORDER IN SLP NO.13133/2015 OF SUPREME COURT OF INDIA.

EXT.P10 TRUE COPY OF JUDGMENT 22/5/2015 IN WPC 15034/2015 OF THIS COURT.

EXT.P11 TRUE COPY OF NOTICE 16/6/2015 INTIMATING ADJOURNMENT OF APPEAL 12/7/2015

EXT.P12 TRUE COPY OF REPRESENTATION SUBMITTED BY THE PETITIONER DT.18/06/2015 BEFORE THE RESPONDENTS.

\\TRUE COPY//

PS to Judge

ms

A.MUHAMED MUSTAQUE, J.

W.P.(C) No. 18532 of 2015

Dated this the 19th day of June, 2015

JUDGMENT

The petitioner has approached this Court with a prayer to direct the respondent to accept the Bank Guarantee furnished by the petitioner by treating the same as in due compliance of the direction to remit 30% of the demand in Ext.P4 conditional order of stay passed by the first respondent.

2. The petitioner had earlier approached this Court challenging Ext.P4 conditional order. However, this Court did not interfere with the conditional order and dismissed the writ petition filed by the petitioner. Thereafter, the petitioner filed a review petition which was also dismissed by this Court. Thereafter, the matter was taken up before the Hon'ble Supreme Court in a Special Leave Petition which was also dismissed. However the time to remit the amount was extended for six weeks. That time has expired on 17/06/2015. The appeal filed by the petitioner before the first respondent is now posted to 21/07/2015 for further hearing.

3. The petitioner's prayer now before this Court is to permit him to furnish Bank Guarantee instead of depositing the security amount in cash.

4. In the light of the fact that the security to be furnished by the petitioner is upto 30% of the demand, I am of the view that the petitioner's request can be accepted. The petitioner shall furnish Bank Guarantee in satisfaction of the security amount within a period of three days. The recovery against the petitioner shall be deferred for a period of one week.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

ms