

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

WP(C).No. 18756 of 2015 (T)

PETITIONER(S)/PETITIONER:

**LVR INDUSTRIES PVT. LTD.
TC 51/1066(1), SIDCO INDUSTRIAL ESTATE, PAPPANAMCODE
INDUSTRIAL ESTATE P O, THIRUVANANTHAPURAM 695109
REPRESENTED BY ITS MANAGING DIRECTOR GOPAKUMAR S,
AGED 47 YEARS, S/O.SIVADASAN L, R/A.APARTMENT 11A
VILLAGE VIEW APARTMENTS, PANDIT COLONY
THIRUVANANTHAPURAM 695003**

BY ADV. SRI.B.JAYASURYA

RESPONDENT(S)/RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY SECRETARY
DEPARTMENT OF LOCAL SELF GOVERNMENT INSTITUTIONS
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001**
- 2. CORPORATION OF THIRUVANANTHAPURAM
REPRESENTED BY ITS SECRETARYTHIRUVANANTHAPURAM-695001**
- 3. THE SECRETARY
CORPORATION OF THIRUVANANTHAPURAM
NEMOM ZONAL OFFICE, PAPPANAMCODE
THIRUVANANTHAPURAM-695109**
- 4. THE CHAIRMAN
THE APPELLATE STANDING COMMITTEE
THIRUVANANTHAPURAM CORPORATION
THIRUVANANTHAPURAM 695001**

**R1 BY GOVERNMENT PLEADER SMT.K.A.SANGEETHA
R2-4 BY SRI.P.K.MANOJKUMAR,SC,TVPM CORPORATION**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
23-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

VS

WP(C).No. 18756 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 :- TRUE COPY OF THE ORDER DTD 20/9/2003 OF THE
RESPONDENT 2 AND 4**
- EXT.P2 :- TRUE COPY OF THE APPEAL FILED BY THE PETITIONER
BEFORE THE TRIBUNAL FOR LOCAL SELF GOVERNMENT
INSTITUTIONS, THIRUVANANTHAPURAM**
- EXT.P3 :- TRUE COPY OF THE DELAY CONDONATION APPLICATION IA NO
569/2015 FILED BY THE PETITIONER BEFORE THE TRIBUNAL
FOR LOCAL SELF GOVERNMENT INSTITUTIONS,
THIRUVANANTHAPURAM**
- EXT.P4 :- TRUE COPY OF THE ORDER DTD 17/3/2015 IN IA NO 569/2015
OF THE TRIBUNAL FOR LOCAL SELF GOVERNMENT
INSTITUTIONS, THIRUVANANTHAPURAM**

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

A.V.RAMAKRISHNA PILLAI, J

W.P.(C).No.18756 of 2015

Dated this the 23rd day of June, 2015

JUDGMENT

Aggrieved by Ext.P4 order passed by the learned Tribunal for Local Self Government, the petitioner approached this Court.

2. The petitioner herein is conducting a small scale industry at Pappanamcode, Thiruvananthapuram. The land is allotted by the Kerala Small Industries Development Corporation for exclusive running of industry at the choice of the petitioner. Petitioner started paper cup manufacturing unit in the year 2013 as a small scale industry with valid license and approval of Industrial Development Corporation. The entire plot is having an extent of 4.425 cents in Resurvey No.591/5 of Nemom village. In the said premises, petitioner had constructed 151.42 Square Meter Built up area/shed for the above said industrial purpose. While so, without considering the built-up area in question, the respondents 2 to 4 herein

imposed an exorbitant amount i.e. Rs.29,000/-. Aggrieved by this, petitioner preferred review before the 4th respondent herein, after making payment as assessed. The review has been disposed of by order dated 20.09.2013 by reducing Rs.5,000/-. The amount of tax assessed was Rs.25,350/- vide Exhibit P-1. Against Ext.P1 the petitioner preferred Ext.P2 Appeal with Ext.P3 Delay condonation petition for condoning the delay of 389 days. However, the Tribunal dismissed Ext.P3 Delay condonation application by Ext.P4 order, stating that as per Rule 8(3) of that Authority, only one month's delay can be condoned vide Ext.P4 order.

3. Heard the learned counsel for the petitioner and learned Standing Counsel for the respondent Corporation.

4. Evidently there was a delay of 389 days in filing the appeal. Normally the appeal has to be passed within a period of 30 days from the date of the impugned order. However, the Tribunal is competent to condone the period of 30 days, if it is properly explained. However, as

the present appeal was hopelessly delayed, the learned Tribunal cannot be found fault with for not condoning the delay.

Therefore the writ petition is dismissed.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

VS