

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

WP(C).No. 19464 of 2015 (G)

PETITIONERS:

1. P.S.PRADEEP, S/O.PANAKKAPRAMBIL
SANKARANARAYANAN, VATANAPPILLY VILLAGE,
CHAVAKKAD, THRISSUR DISTRICT.
2. P.S.DINESH, S/O.PANAKKAPRAMBIL SANKARANARAYANAN
VATANAPPILLY VILLAGE, CHAVAKKAD, THRISSUR DISTRICT.

BY ADVS.SRI.T.A.SHAJI (SR.)
SMT.NAMITHA JYOTHISH
SRI.V.VINCENT DIDACOSE
SRI.DARSAN SOMANATH
SMT.K.P.SHEEBA

RESPONDENTS:

1. THE DEPUTY EXCISE COMMISSIONER,
THRISSUR, PIN: 680 001.
2. THE EXCISE COMMISSIONER,
COMMISSIONER OF EXCISE,
THIRUVANANTHAPURAM PIN: 695 001.
3. STATE OF KERALA REP. BY THE PRINCIPAL SECRETARY
TO GOVERNMENT, TAXES DEPARTMENT,
THIRUVANANTHAPURAM, PIN: 695 001.

BY GOVERNMENT PLEADER SRI.BOBBOY MATHEW

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
16-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 19464 of 2015 (G)

PETITIONER'S EXHIBITS:

EXT. P1: TRUE COPY OF THE ORDER DATED 27/11/2009 IN CIVIL APPEAL NO.7847/2009 OF THE HON'BLE SUPREME COURT

EXT. P2: TRUE COPY OF THE G.O.(MS) NO.108/08/TD DATED 26/5/2008.

EXT. P3: TRUE COPY OF THE ORDER NO.R6-1395/1998 DATED 9/4/2010 ISSUED BY THE 1ST RESPONDENT

EXT. P4: TRUE COPY OF THE ORDER NO.XM2-17007/2002 DATED 25/3/2010 OF THE EXCISE COMMISSIONER

EXT. P5: TRUE COPY OF THE PETITION DATED 15/3/2012 SUBMITTED BY THE PETITIONERS BEFORE THE 1ST RESPONDENT

EXT. P6: TRUE COPY OF THE ORDER DATED 30/3/2012 OF THIS HON'BLE COURT IN WPC NO.7712/2012.

EXT. P7: TRUE COPY OF GO(MS)NO.64/2015/TD DATED 21/4/2015, ALONG WITH ITS ENGLISH VERSION

EXT. P8: TRUE COPY OF THE APPLICATION DATED 13/5/2015 SUBMITTED BY THE PETITIONER

EXT. P9: TRUE COPY OF THE COMMUNICATION DATED 16/6/2015 ISSUED BY THE 1ST RESPONDENT TO THE 1ST PETITIONER WITH ITS ENGLISH VERSION

EXT. P10: TRUE COPY OF THE COMMUNICATION DATED 16/6/2015 ISSUED BY THE 1ST RESPONDENT TO THE 2ND PETITIONER WITH ITS ENGLISH VERSION

EXT. P11: TRUE COPY OF ORDER NO.R6-2544/1998 DATED 12/01/2012 OF THE FIRST RESPONDENT

RESPONDENT'S EXHIBITS:

ANNEXURE R1(a) A TRUE COPY OF THE G.O.NO.108/2008/TD DATED 26.05.2008

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.19464 of 2015 G

Dated this the 16th day of December, 2015

JUDGMENT

The petitioners have decided to take advantage of the Amnesty Scheme. When the petitioners applied for the relief, the respondent authorities have insisted that they should withdraw all the cases filed by them, as it is said to be a pre-condition for entertaining the petitioners' claim for the benefit under the Amnesty Scheme.

2. Aggrieved, when the petitioners filed the present writ petition, this Court on 29.06.2015 issued the following direction:

“The learned Government Pleader seeks time to get instructions. The learned Senior Counsel for the petitioners has, however, urged that the last date for making an application under Exhibit P7 Amnesty Scheme is 30.06.2015, which is to expire tomorrow. At any rate, the learned Government Pleader has assured the Court that since the petitioners have already submitted Exhibit P8 application prior to the cut off date, it will be considered notwithstanding the expiry of the Scheme by the end of this month.

Under these circumstances, post the matter in one week.”

3. Today this Court disposed of the cases filed by the petitioners, which means the pre-condition imposed by the respondent authorities that no case should be pending for considering the petitioners' claim under the Amnesty Scheme stands fulfilled.

In the facts and circumstances, this Court disposes of the writ petition with a direction to the respondents to consider the petitioners' Exhibit P8 representation in terms of Exhibit P7 Amnesty Scheme notwithstanding its expiry in the meanwhile.

Dama Seshadri Naidu, Judge

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