

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

WP(C).No.20794 of 2015 (Y)

PETITIONER:

**M/S.FABTECH PROJECT & ENGINEERS LTD.,
321A,III,NEAR HILL PALACE HOTEL,REFINERY ROAD,
AMBALAMUGAL-682302,REPRESENTED BY ITS
ASSISTANT MANAGER MR.SANDEEP MATHURE.**

BY ADV.SMT.K.LATHA

RESPONDENT'S:

- 1. THE STATE OF KERALA,REPRESENTED BY
CHIEF SECRETARY,SECRETARIATE,
THIRUVANANTHAPURAM-695001.**
- 2. THE ENQUIRY OFFICER,OFFICE OF THE DEPUTY COMMISSIONER
(INTELLIGENCE),ERNAKULAM-682032.**
- 3. THE DEPUTY COMMISSIONER,COMMERCIAL TAXES,
ERNAKULAM-682018.**
- 4. THE BANK MANAGER,VIJAYA BANK,
CORPORATE BANKING BRANCH,VINAYAK NIVAS,
1206/A32,SHIROJ ROAD,OPPOSITE SAMBHAJI PARK,
PUNE-411004.**

**R1 TO R3 BY GOVT. PLEADER SRI.R.RANJIT
R4 BY SMT.LATHA KRISHNAN,SC,VIJAYA BANK**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.20794 of 2015 (Y)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:THE TRUE COPY OF THE DETENTION NOTICE NO.VC/IV/829/2014-15
DATED 26.7.2014 ISSUED BY THE INTELLIGENCE OFFICER,SQUAD NO.IV,
ERNAKULAM CAMP AT WALAYAR.

EXT.P2:THE TRUE COPY OF THE BANK GUARANTEE FOR RS.7,17,750/- ISSUED
BY THE FOURTH RESPONDENT BANK DATED 14.8.2014.

EXT.P3:THE TRUE COPY OF INTIMATION LETTER 24.6.2015 ISSUED BY THE
SECOND RESPONDENT TO THE FOURTH RESPONDENT BANK.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

A. MUHAMED MUSTAQUE, J.

W.P(C). No. 20794 of 2015

Dated this the 9th day of July, 2015

J U D G M E N T

Petitioner apprehending invocation of Bank Guarantee on conclusion of penalty proceedings, has approached this Court. According to the petitioner, penalty proceedings have been completed and order has not been served on them.

2. Considering the facts and circumstances, following directions are issued:

- (i) Petitioner shall appear before the 2nd respondent on 22.07.2015 at 11.a.m.
- (ii) The 2nd respondent shall serve a copy of the order on the petitioner.
- (iii) To work out alternate remedy, the invocation of the Bank Guarantee, if the same is not already invoked, shall be deferred for a period of two months.
- (iv) If Bank Guarantee expires during currency of the above period, the petitioner shall also renew the same and report before the 2nd respondent.

This writ petition is disposed of.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE.