

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

WP(C).No. 20883 of 2015 (I)

PETITIONER(S):

**T.MOIDEEN KUNHI,
PROPRIETOR, ANASWARA SILKS,
NEAR BUS STAND, KANHANGAD, KASARAGODE- 671 121.**

**BY ADVS.SRI.K.I.MAYANKUTTY MATHER
SRI.R.JAIKRISHNA**

RESPONDENT(S) :

- 1. INCOME TAX OFFICER,
WARD-1, INCOME TAX DEPARTMENT,
KASARAGODE- 671 121.**
- 2. COMMISSIONER OF INCOME TAX (APPEALS),
KOZHIKODE- 673 001.**

BY ADV. SRI.K.M.V.PANDALAI, INCOME TAX DEPARTMENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: TRUE COPY OF THE ASSESSMENT ORDER FOR THE AY 2011-2012
(INCOME TAX) DATED 24.03.2015.**

**EXHIBIT P2: TRUE COPY OF THE ASSESSMENT ORDER FOR THE AY 2012-2013
(INCOME TAX) DATED 24.03.2015.**

**EXHIBIT P3: TRUE COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE
THE 2ND RESPONDENT FOR THE AY 2011-2012 (INCOME TAX)
DATED 30.03.2015.**

**EXHIBIT P3(A): TRUE COPY OF THE STAY PETITION FILED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT FOR THE AY-2011-12
(INCOME TAX) DATED 30.03.2015.**

**EXHIBIT P4: TRUE COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE
THE 2ND RESPONDENT FOR THE AY-2012-13 (INCOME TAX)
DATED 30.03.2015.**

**EXHIBIT P4(A): TRUE COPY OF THE STAY PETITION FILED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT FOR THE AY-2012-13
(INCOME TAX) DATED 30.03.2015.**

**EXHIBIT P5: TRUE COPY OF THE LETTER ISSUED BY THE 1ST RESPONDENT
DATED 18.06.2015.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A. MUHAMED MUSTAQUE, J.

W.P(C). No. 20883 of 2015

Dated this the 10th day of July, 2015

J U D G M E N T

The petitioner has filed this writ petition challenging Exts.P1 & P2 assessment orders for the years 2011-12 & 2012-13 passed by the 1st respondent. The petitioner has preferred Exts.P3 & P4 appeals along with Exts.P3(a) & P4(a) petitions for stay against the said order.

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

3. Considering the facts and circumstances of the case, this writ petition is disposed of directing the 2nd respondent to consider the petitions for stay, after issuing notice to the petitioner, within a period of three months from the date of receipt of a copy of this judgment. Till a final decision is taken as directed above, all the coercive proceedings pursuant to Ext.P5 shall be kept in abeyance.

Petitioner shall produce a copy of this judgment along with a copy of this with petition before the 2nd respondent for further steps.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE.