

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

WP(C).No. 20983 of 2015 (W)

PETITIONER(S):

**RAFEENA KABEER,
PROPRIETOR, FINA INTERNATIONAL,
PANIKKAVEETIL, 22, CHAVAKKAD,
THRISSUR DISTRICT, PIN:680 506.**

BY ADV. SRI.MOHAMMED RAFIQ.

RESPONDENT(S):

- 1. THE KERALA STATE VALUE ADDED TAX APPELLATE TRIBUNAL,
ERNAKULAM, PIN:682 015, REPRESENTED BY ITS SECRETARY.**
- 2. THE COMMERCIAL TAX OFFICER,
KUNNAMKULAM, THRISSUR DISTRICT, PIN:680 501.**
- 3. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
COMMERCIAL TAXES DEPARTMENT,
TRIVANDRUM, PIN:695 001.**

BY SR. GOVT. PLEADER SMT.SOBHA ANNAMMA EAPEN.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1: THE TRUE COPY OF THE APPEAL T.A(VAT)NO.73 OF 2015 DATED 28.02.2015 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXHIBIT P2: THE TRUE COPY OF THE STAY PETITION INT.P.NO.80 OF 2015 DATED 28.02.2015 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXHIBIT P3: THE TRUE COPY OF THE ASSESSMENT ORDER NO.320812666759 (I) 2009-10 DATED 15.06.2014 PASSED BY THE 2ND RESPONDENT.

EXHIBIT P4: THE TRUE COPY OF THE ORDER DATED 31.10.2013 IN APPEAL NO.KVATA-114/11 PASSED BY THE ASSISTANT COMMISSIONER (APPEALS) COMMERCIAL TAXES, THRISSUR.

EXHIBIT P5: THE TRUE COPY OF THE ORDER DATED 14.05.2015 IN INT.TP NO.80/2015 PASSED BY THE 1ST RESPONDENT IN EXT.P2 PETITION FOR STAY.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.20983 of 2015

Dated this the 13th day of July, 2015

JUDGMENT

The petitioner, impugning conditional order passed by the Tribunal, has approached this Court. The only request made before this Court is that the petitioner may be permitted to comply with the condition by way of four equal monthly instalments.

2. Learned Government Pleader opposes the prayer of the petitioner.

Considering the facts and circumstances, this writ petition is disposed of with the following directions:

- i. The petitioner is permitted to discharge the amount in Ext.P1 order in four equal monthly instalments starting from 30.7.2015.
- ii. The Tribunal shall dispose the appeal untrammelled by the observations in the impugned order for imposing condition in accordance with law.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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