

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

WP(C).No. 21705 of 2015 (K)

PETITIONER:

**T.R.SARADHA,
M/S. SARADHA POULTRY FARM,
SARADA SADANAM, CHERUMKODE,
THATHAMANGALAM, PALAKKAD DISTRICT.**

**BY ADVS.SRI.HARISANKAR V. MENON
SMT.MEERA V.MENON**

RESPONDENT(S):

- 1. THE INTELLIGENCE OFFICER,
PALAKKAD, SQUAD NO.III,
DEPARTMENT OF COMMERCIAL TAXES,
PALAKKAD-678 014.**
- 2. COMMISSIONER OF COMMERCIAL TAXES,
TAX TOWERS, KARAMANA,
THIRUVANANTHAPURAM - 695 002.**

BY SENIOR GOVT. PLEADER SMT.SOBHA ANNAMMA EAPEN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1: COPY OF ORDER ISSUED BY THE 1ST RESPONDENT
DATED 16.7.2015.
- EXT.P2: COPY OF ORDER ISSUED BY THE DEPUTY COMMISSIONER,
PALAKKAD DATED 2.12.2014.
- EXT.P3: COPY OF REVISION PETITION FILED BY THE PETITIONER BEFORE
THE 2ND RESPONDENT DATED 2.1.2015.
- EXT.P4: COPY OF STAY PETITION FILED BY THE PETITIONER BEFORE THE
2ND RESPONDENT DATED 2.1.2015.
- EXT.P5: COPY OF ORDER ISSUED BY THE 2ND RESPONDENT DATED 1.7.2015.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C) No.21705 of 2015

Dated this the 20th day of July, 2015

JUDGMENT

The petitioner, impugning Ext.P5 order issued by the second respondent, has approached this Court. The above application is arising out of the application for staying the recovery pending revision. The application for stay has been dismissed by Ext.P5.

2. The petitioner has approached this Court in an earlier occasion in W.P.(C) No.6609/2015. This Court disposed the above writ petition on 3.3.2015 and directed the Commissioner to consider the stay application. It appears that the dismissal on account of the fact that the petitioner failed to appear and produce the document for substantiating the case against the penalty order.

In view of the fact that the revision is pending, the interest of justice demands the petitioner should be granted stay against recovery pending revision. In view of the above, this writ petition is disposed of with the following directions:

- i. The impugned order is set aside.

- ii. The petitioner is directed to deposit Rs.75,000/- within three weeks.
- iii. If the petitioner deposits the above amount, recovery proceedings initiated against the petitioner shall be deferred till the disposal of the revision.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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