

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. 21745 of 2015 (P)

PETITIONER(S):

**M/S.OIL PALM INDIA LIMITED,
XIV/130, KOTTAYAM SOUTH P.O., KODIMATHA,
KOTTAYAM - 686 013,
REPRESENTED BY ITS MANAGING DIRECTOR,
MR. K.N.RAVINDRAN.**

**BY ADVS.SRI.M.GOPIKRISHNAN NAMBIAR
SRI.P.GOPINATH
SRI.P.BENNY THOMAS
SRI.K.JOHN MATHAI
SRI.JOSON MANAVALAN
SRI.KURRYAN THOMAS
SRI.RAJA KANNAN**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
TAXES DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE ASSISTANT COMMISSIONER (KGST) - I,
COMMERCIAL TAXES, SPECIAL CIRCLE, KOTTAYAM - 686 001.**
- 3. THE INSPECTING ASSISTANT COMMISSIONER,
COMMERCIAL TAXES, KOTTAYAM - 686 001.**
- 4. THE DEPUTY COMMISSIONER (APPEALS),
COMMERCIAL TAXES, ERNAKULAM - 682 018.**
- 5. THE DEPUTY COMMISSIONER (APPEALS),
COMMERCIAL TAXES, KOTTAYAM - 686 001.**

BY SENIOR GOVERNMENT 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:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1- TRUE COPY OF THE ASSESSMENT ORDER DATED 16-12-2006 ISSUED TO THE PETITIONER BY THE 2ND RESPONDENT PERTAINING TO THE YEAR 2004-05.

EXHIBIT P2- TRUE COPY OF THE JUDGMENT DATED 01-12-2011 ISSUED TO THE PETITIONER BY THE HONOURABLE HIGH COURT IN ITA NO. 382/2010.

EXHIBIT P3- TRUE COPY OF THE JUDGMENT DATED 03-01-2012 ISSUED TO THE PETITIONER BY THE HONOURABLE HIGH COURT IN WPC NO. 36862/2004.

EXHIBIT P4- TRUE COPY OF THE ORDER DATED 20-09-2012 PASSED BY THE HONOURABLE HIGH COURT IN R.P.NO. 692/2012 FILED BY THE 2ND RESPONDENT AND OTHERS IN WPC NO. 36862/2004.

EXHIBIT P5- TRUE COPY OF THE JUDGMENT DATED 13-03-2013 ISSUED TO THE PETITIONER BY THE HONOURABLE HIGH COURT IN WPC NO. 6194/2013.

EXHIBIT P6- TRUE COPY OF THE JUDGMENT DATED 03-07-2013 IN WRIT APPEAL FILED BY THE 1ST AND 3RD RESPONDENTS AGAINST THE PETITIONER PASSED BY THIS HONOURABLE COURT IN W.A.NO. 928/2013.

EXHIBIT P7- TRUE COPY OF THE ORDER DATED 24-11-2014 IN SLP FILED BY THE 1ST AND 2ND RESPONDENTS PASSED BY THE HONOURABLE HIGH COURT IN SLP(C) NO. 3802/2014.

EXHIBIT P8- TRUE COPY OF THE MODIFIED ORDER OF ASSESSMENT DATED 10-10-2013 ISSUED TO THE PETITIONER BY THE 3RD RESPONDENT FOR THE YEAR 2004-05, UNDER THE AIT ACT.

EXHIBIT P9- TRUE COPY OF THE APPEAL MEMORANDUM (WITHOUT ANNEXURES) DATED 12-11-2013 FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.

EXHIBIT P10- TRUE COPY OF THE PETITION FOR URGENT HEARING DATED 09-01-2014 FILED BY THE PETITIONER BEFORE THE 5TH RESPONDENT.

EXHIBIT P11- TRUE COPY OF THE LETTER DATED 22-09-2014 FILED BY THE PETITIONER BEFORE THE 5TH RESPONDENT.

EXHIBIT P11(A)- TRUE COPY OF THE LETTER DATED 23-10-2014 FILED BY THE PETITIONER BEFORE THE 5TH RESPONDENT.

EXHIBIT P11(B)- TRUE COPY OF THE LETTER DATED 09-01-2015 FILED BY THE PETITIONER BEFORE THE 5TH RESPONDENT.

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**EXHIBIT P11(C)- TRUE COPY OF THE LETTER DATED 28-04-2015 FILED BY THE
PETITIONER BEFORE THE 5TH RESPONDENT.**

**EXHIBIT P12- TRUE COPY OF THE COMMON ORDER DATED 08-07-2014 ISSUED TO
THE PETITIONER BY THE THE 5TH RESPONDENT PERTAINING TO THE
YEARS 2005-06 TO 2007-08.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

MsV/

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.21745 of 2015

Dated this the 20th day of July, 2015

JUDGMENT

The petitioner have approached this Court seeking a direction to the 5th respondent to consider and dispose of Ext.P9 appeal expeditiously. Ext.P9 appeal is filed against Ext.P8 modified order. Ext.P8 order was passed pursuant to the interference by this Court for the assessment year 2004-2005.

In view of the facts and circumstances, there shall be a direction to the 5th respondent to consider Ext.P9 appeal after issuing notice to the petitioner within a period of six weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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