

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. 21746 of 2015 (P)

PETITIONER:

**M/S.OIL PALM INDIA LIMITED,
XIV/130, KOTTAYAM SOUTH P.O., KODIMATHA,
KOTTAYAM, 686013, 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**

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
TAXES DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695001.**
- 2. THE INSPECTING ASSISTANT COMMISSIONER,
COMMERCIAL TAXES, KOTTAYAM-686001.**
- 3. THE DEPUTY COMMISSIONER (APPEALS),
COMMERCIAL TAXES, KOTTAYAM-686001.**

BY 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:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1-** TRUE COPY OF THE JUDGMENT DATED 01-12-2011 ISSUED TO THE PETITIONER BY THE HONOURABLE HIGH COURT IN ITA N O. 382/2010.
- EXHIBIT P2-** TRUE COPY OF THE JUDGMENT DATED 03-01-2012 ISSUED TO THE PETITIONER BY THE HONOURABLE HIGH COURT IN WPC NO. 36862/2004.
- EXHIBIT P3-** TRUE COPY OF THE ORDER DATED 20-09-2012 PASSED BY THE HONOURABLE HIGH COURT IN RP.NO., 692/2012 FILED BY THE ASST. COMMISSIONER OF INCOME TAX AND OTHERS IN WPC NO. 36862/2004.
- EXHIBIT P4-** TRUE COPY OF THE JUDGMENT DATED 13-03-2013 ISSUED TO THE PETITIONER BY THE HONOURABLE HIGH COURT IN WPC NO. 6194/2013.
- EXHIBIT P5-** TRUE COPY OF THE JUDGMENT DATED 03-7-2013 IN WRIT APPEAL FILED BY THE 1ST AND 2ND RESPONDENTS AGAINST THE PETITIONER PASSED BY THIS HONOURABLE COURT IN W.A.NO. 928/2013.
- EXHIBIT P6-** 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 S.L.P.(C)NO. 3802/2014.
- EXHIBIT P7-** TRUE COPY OF THE MODIFIED ORDER OF ASSESSMENT DATD 13-01-2014 ISSUED TO THE PETITIONER BY THE 2ND RESPONDENT FOR THE YEAR 2008-09 UNDER THE AIT ACT.
- EXHIBIT P8-** TRUE COPY OF THE APPEAL MEMORANDUM (WITHOUT ANNEXURES) DATED 29-01-2014 FILD BY THE PETITIONER BEFORE THE 3RD RESPONDENT.
- EXHIBIT P9-** TRUE COPY OF THE PETITIONER FOR URGENT HEARING DATED 19-09-2014 FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.
- EXHIBIT P10-** TRUE COPY OF THE LETTER DATED 22-09-2014 FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.
- EXHIBIT P10(A)-** TRUE COPY OF THE LETTER DATED 09-01-2015 FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.
- EXHIBIT P10(B)-** TRUE COPY OF THE LETTER DATED 28-04-2015 FILED BY THE PETITIONER BEFORE THE 5TH RESPONDENT.

WP(C).No. 21746 of 2015 (P)

**EXHIBIT P11- TRUE COPY OF THE COMMON ORDER DATED 08-07-2014 ISSUED TO
THE PETITIONER BY THE 3RD RESPONDENT PERTAINING TO THE
YEARS 2005-06 TO 2007-08.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.21746 of 2015

Dated this the 20th day of July, 2015

JUDGMENT

The petitioner have approached this Court seeking a direction to the 3rd respondent to consider and dispose of Ext.P8 appeal expeditiously. Ext.P8 appeal is filed against Ext.P7 modified order. Ext.P7 order was passed pursuant to the interference by this Court for the assessment year 2008-2009.

In view of the facts and circumstances, there shall be a direction to the 3rd respondent to consider Ext.P8 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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