

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

WP(C).No. 23275 of 2015 (H)

PETITIONER:

**NOX HEALTH CARE PVT LTD.,
APPLE TOWER, 32/1776-A6, N.H.BY PASS,
PALARIVATTOM, KOCHI-25,
REPRESENTED BY ITS DIRECTOR, SABU,
S/O.ABDUL KHADDAR, KADAVIL HOUSE,
TOLL GATE, EDAPALLY, ERNAKULAM - 682 024.**

**BY ADVS.SRI.R.SANJITH
SMT.C.S.SINDHU KRISHNAH**

RESPONDENT(S):

- 1. THE ASSISTANT COMMISSIONER (APPEALS),
COMMERCIAL TAXES, ERNAKULAM -30.**
- 2. THE COMMISSIONER TAX OFFICER,
2ND CIRCLE, KALAMASSERY, CIVIL STATION,
KAKKANAD, ERNAKULAM - 30.**
- 3. THE DEPUTY TAHASILDAR(RR), KANAYANNUR,
ERNAKULAM - 682 011.**

BY SENIOR GOVT. PLEADER SMT.SOBHA ANNAMMA EAPEN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER'S EXHIBITS:

- EXT. P1 : TRUE COPY OF THE ORDER DATED 27.11.2014 OF THE
2ND RESPONDENT.
- EXT. P2(A) : TRUE COPY OF THE APPEAL.
- EXT. P2(B) : TRUE COPY OF STAY PETITION FILED BEFORE THE
1ST RESPONDENT.
- EXT. P3 : TRUE COPY OF THE NOTICE OF DEMAND.
- EXT. P4 : TRUE COPY OF THE RECEIPT ISSUED BY THE VILLAGE OFFICER
KANAYANNUR.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C) No.23275 of 2015

Dated this the 10th day of August, 2015

JUDGMENT

The petitioner, challenging Ext.P1 assessment order, filed Ext.P2(a) appeal and Ext.P2(b) stay application. The petitioner approached this Court threatened with recovery proceedings.

In view of the pendency of Ext.P2(a) appeal, this Court is of the view that the same shall be disposed of within a period of five months after issuing notice to the petitioner. Till the disposal of the appeal, the entire recovery proceedings shall be deferred on condition that the petitioner remits Rs.3 lakhs by three instalments. The first instalment shall be paid on or before 25.8.2015, the second instalment shall be paid on or before 20.9.2015 and the third instalment shall be paid on or before 20.10.2015. In view of the above, coercive steps shall be deferred in tune with the above directions. If the petitioner commits default in remitting anyone of the instalments, the Bank is free to proceed against the petitioner in accordance with law.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE