

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

WP(C).No. 23388 of 2015 (W)

PETITIONER :

**SRI. ARUN KUMAR D.,
28/3323, KRISHNAKRIPA,
CHERUPARAMBATH CROSS ROAD
KADAVANTHARA, ERNAKULAM - 682 020.**

**BY ADVS.SRI.ANIL D. NAIR
SRI.R.SREEJITH
SMT.ROSIE ATHULYA JOSEPH
SMT.O.A.NURIYA
SMT. SOUMYA PRAKASH**

RESPONDENTS :

**1. INCOME TAX OFFICER
NON-CORPORATE, WARD 1(1),
KOCHI - 682 018.**

**2. COMMISSIONER OF INCOME TAX (APPEALS)
ERNAKULAM - 682 018.**

R1 & R2 BY ADV. SRI. K.M.V. PANDALAI, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 23388 of 2015 (W)

APPENDIX

PETITIONERS' EXHIBITS :

**EXHIBIT P1. TRUE COPY OF THE ASSESSMENT ORDER DATED 16.03.2015 FOR
THE A.Y (2012-13) ISSUED TO THE PETITIONER BY THE FIRST
RESPONDENT.**

**EXHIBIT P2. TRUE COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE
2ND RESPONDENT.**

**EXHIBIT P3. TRUE COPY OF THE ORDER DATED 17.07.2015 PASSED BY FIRST
RESPONDENT.**

**EXHIBIT P4. TRUE COPY OF THE STAY PETITION FILED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.23388 of 2015

Dated this the 4th day of August, 2015

JUDGMENT

The petitioner, impugning Ext.P1 Assessment Order, filed Ext.P2 appeal before the second respondent. The petitioner also filed Ext.P4 stay application.

2. Considering the facts and circumstances, there shall be a direction to the second respondent to consider the stay application within a period of three months after issuing notice to the petitioner. Till the disposal of the stay application, all recovery proceedings based on the Assessment Order shall be kept in abeyance. The petitioner shall produce a copy of this judgment along with the writ petition before the Appellate Authority.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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