

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

WP(C).No. 24487 of 2015 (I)

PETITIONER:

**BETHEL BATTERIES & AGENCIES,
VATTOLY ESTATE, ST.VINCENT ROAD,
ERNAKULAM, COCHIN, PIN-682018,
REPRESENTED BY ITS MG.PARTNER
ANDREWS CHERIAN.**

BY ADV. SRI.R.MURALIDHARAN (ARoor)

RESPONDENT(S):

- 1. THE COMMERCIAL TAX OFFICER,
KVAT CIRCLE-I,
DEPARTMENT OF COMMERCIAL TAXES,
CLASS TOWER, OLD RAILWAY STATION ROAD,
ERNAKULAM, PIN-682018.**
- 2. THE DEPUTY COMMISSIONER (APPEALS),
DEPARTMENT OF COMMERCIAL TAXES,
ERNAKULAM, PIN-689101.**
- 3. THE DEPUTY TAHSILDAR(REVENUE RECOVERY),
TALUK OFFICE, THIRUVALLA,
PATHANAMTHITTA DISTRICT, PIN-689101.**
- 4. THE DEPUTY TAHSILDAR(REVENUE RECOVERY),
TALUK OFFICE, KOTTAYAM, PIN-686001.**

BY SENIOR GOVT. PLEADER SMT.SOBHA ANNAMMA EAPEN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- P1 : TRUE COPY OF THE ASSESSMENT ORDER PASSED BY THE
1ST RESPONDENT FOR 2007-2008,DATED 29.12.2014.
- P2 : TRUE COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE
2ND RESPONDENT,DATED 16.02.2015.
- P3 : TRUE COPY OF THE STAY PETITION FILED BY THE PETITIONER BEFORE THE
2ND RESPONDENT DATED 16.02.2015.
- P4 : TRUE COPY OF THE STAY ORDER PASSED BY THE 2ND RESPONDENT
DATED 30.03.2015.
- P5 : TRUE COPY OF THE DEMAND NOTICE ISSUED UNDER R.R.ACT,BY THE
3RD RESPONDENT,DATED 20.07.2015.
- P6 : TRUE COPY OF THE DEMAND NOTICE ISSUED UNDER R.R.ACT,BY THE
4TH RESPONDENT,DATED 04.07.2015.

RESPONDENTS' EXHIBITS: **NIL.**

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C)No.24487 of 2015

Dated this the 12th day of August, 2015

JUDGMENT

The petitioner, impugning conditional order in the stay application, have approached this Court. The petitioner have raised various contentions regarding the condition imposed.

2. I have gone through the order. In fact, the impugned order is a reasoned order and there is no infirmity with the order.

3. Learned counsel for the petitioner submits that the petitioner is unable to raise the entire amount demanded and is threatened with revenue recovery proceedings.

Considering the above, to meet ends of justice, the condition is modified on payment of Rs.2.5 lakhs. The amount shall be paid in two instalments. The first instalment shall be paid on or before 20.8.2015 and the second instalment shall be paid on or before 20.9.2015.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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