

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. 24568 of 2015 (U)

PETITIONER(S):

**M/S.E.I.DUPONT INDIA PRIVATE LIMITED,
7TH FLOOR, TOWER C, DLF CYBER GREENS,
SECTOR 25A, GURGAON-122 002 (HARYANA),
REPRESENTED BY ITS AUTHORIZED SIGNATORY ANKIT JAIN.**

BY ADV. SRI.S.ARUN RAJ

RESPONDENT(S) :

- 1. THE COMMERCIAL TAX OFFICER,
2ND CIRCLE, KALAMASSERY AT CIVIL STATION,
KAKKANAD-682 030.**
- 2. INSPECTING ASSISTANT COMMISSIONER,
COMMERCIAL TAXES, ERNAKULAM, KAKKANAD-682 030.**
- 3. DEPUTY COMMISSIONER (APPEALS)
OFFICE OF THE DY.COMMISSIONER (APPEALS),
COMMERCIAL TAXES, ERNAKULAM-682 013.**
- 4. COMMISSIONER OF COMMERCIAL TAXES,
OFFICE OF THE COMMISSIONER OF COMMERCIAL TAXES,
KARAMANA POST, THIRUVANANTHAPURAM-695 002.**
- 5. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, TAXES DEPARTMENT,
GOVERNMENT SECRETARIAT, TRIVANDRUM-695 001.**

BY GOVERNMENT PLEADER SMT.SHOBA ANNAMMA EAPEN

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

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1 : TRUE COPY OF THE LETTER DATED 17-08-2012 SUBMITTED TO THE COMMERCIAL TAX OFFICER BY THE PETITIONER.**
- P2 : TRUE COPY OF THE JUDGMENT DATED 02-07-2015 PASSED BY THIS HONOURABLE COURT IN W.P.(C).NO.19249/2015.**
- P3 : TRUE COPY OF THE ASSESSMENT ORDER DATED 17-07-2015 PASSED BY THE 1ST RESPONDENT FOR THE YEAR 2012-2013.**
- P4 : TRUE COPY OF THE FIRST APPEAL MEMORANDUM WITH THE GROUNDS OF APPEAL FILED BEFORE THE 1ST APPELLATE AUTHORITY FOR THE AY 2012-13.**
- P5 : TRUE COPY OF THE STAY PETITION FILED BY THE PETITIONER COMPANY BEFORE THE 3RD RESPONDENT FOR THE AY 2012-13.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.24568 of 2015

Dated this the 12th day of August, 2015

JUDGMENT

The petitioner, impugning Ext.P3 assessment order, filed Ext.P4 appeal before the first respondent. The petitioner also filed Ext.P5 stay application.

2. Considering the facts and circumstances, there shall be a direction to the first respondent to consider the stay application within a period of two 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 writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

ln