

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

WP(C).No. 27888 of 2015 (I)

PETITIONER :

K.SREEKUMAR,
QUILON CONSULTING ENGINEERS,
GOKULAM, 2nd FLOOR,
BEACH ROAD, KOLLAM,
(NOW SHIFTED TO DIVYA NAGAR-17,
PATTATHANAM-PO, KOLLAM - 691 021).

BY ADVS.SRI.K.N.SREEKUMARAN
SRI.P.D.UNNIKANNAN NAIR
SMT.V.P.SEENA DEVI

RESPONDENTS :

1. COMMERCIAL TAX OFFICER (WORKS CONTRACT),
O/o THE DEPUTY COMMISSIONER,
COMMERCIAL TAXES, ASRAMAM, KOLLAM - 691 001.
2. DEPUTY COMMISSIONER (APPEALS),
COMMERCIAL TAXES, KOLLAM - 691 001.
3. VILLAGE OFFICER,
VADAKKEVILA VILLAGE OFFICE,
PALLIMUKKU, KOLLAM - 691 021.

BY GOVERNMENT PLEADER SRI.LIJU V.STEPHEN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
15-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :-

- EXT.P1 : COPY OF THE ASSESSMENT ORDER FOR 2010-11
BEARING NO.32021622505/2010-11 DTD.2.6.2014
ISSUED TO THE PETITIONER BY THE 1ST RESPONDENT.
- EXT.P2 : COPY OF THE APPEAL AGAINST EXT.P1 ORDER FILED BY
THE PETITIONER BEFORE THE 2ND RESPONDENT ON
8.7.2014.
- EXT.P2(a) : COPY OF THE APPLICATION FOR STAY FILED IN EXT.P2
APPEAL ON 8.7.2014.
- EXT.P2(b) : COPY OF THE APPLICATION FOR EARLY HEARING FILED
IN EXT.P2 APPEAL ON 8.7.2014.

RESPONDENTS' EXHIBITS :- NIL.

True copy

P.A to Judge

ANIL K.NARENDRA, J.

W.P.(C)No.27888 of 2015

Dated this the 15th day of September, 2015

JUDGMENT

The petitioner, who is a registered dealer engaged in executing electrical works contract on the rolls of the 1st respondent, has filed this writ petition seeking a writ of mandamus commanding the 2nd respondent to hear and dispose of Ext.P2 appeal as sought for in Ext.P2(b) application for early hearing and in the meantime to stay recovery proceedings pursuant to Ext.P1 order.

2. I heard the arguments of the learned counsel for the petitioner and also the learned Government Pleader appearing for the respondents.

3. It is challenging Ext.P1 assessment order passed by the 1st respondent, the petitioner filed Ext.P2 appeal before the 2nd respondent. Along with Ext.P2 the petitioner has moved Ext.P2(a) an application seeking stay of recovery proceedings of the disputed tax and interest and also Ext.P2(b) an application for urgent hearing of appeal out of turn.

4. Considering the fact that Ext.P2 (a) application for stay is pending consideration before the 2nd respondent, I deem it appropriate to dispose of this writ petition directing the 2nd respondent to consider and pass appropriate orders on the said application for stay within a period of one month with notice to the petitioner.

Till such time, any recovery proceedings pursuant to Ext.P1 shall be kept in abeyance.

Sd/-
ANIL K.NARENDRA, JUDGE

skj

True copy

P.A to Judge