

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

WP(C).No. 30257 of 2015 (F)

PETITIONER(S):

M/S.MARDEC R.K.LATEX PVT. LTD.
(FORMERLY KNOWN AS R.K.LATEX PVT.LTD.)
ANAMALLAIS HOUSE ANNEXE, CHEMBUKAVU, THRISSUR-680020
REPRESENTED BY ITS COMPANY SECRETARY, MR.THOMAS K.

BY ADVS.SRI.JOSEPH MARKOSE (SR.)
SRI.V.ABRAHAM MARKOS
SRI.BINU MATHEW
SRI.TOM THOMAS (KAKKUZHIYIL)
SRI.ABRAHAM JOSEPH MARKOS
SRI.ISAAC THOMAS
SRI.NOBY THOMAS CYRIAC

RESPONDENT(S):

1. THE ASSISTANT COMMISSIONER(ASSESSMENT)
COMMERCIAL TAXES, SPECIAL CIRCLE, THRISSUR-680004.
2. THE ASSISTANT COMMISSIONER-IV
COMMERCIAL TAXES, SPECIAL CIRCLE, THRISSUR-680004.
3. THE KERALA VALUE ADDED TAX APPELLATE TRIBUNAL
ERNAKULAM-682013.
4. THE DEPUTY TAHSILDAR (RR)
THRISSUR-680020.

R BY GOVERNMENT PLEADER SMT.SANJEETHA.K.A.

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

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: TRUE COPY OF THE ASSESSMENT ORDER DATED 21.6.2011 PASSED BY THE 1ST RESPONDENT.

EXHIBIT-P2: TRUE COPY OF THE ORDER-IN-APPEAL DATED 26.12.2011 PASSED BY THE DEPUTY COMMISSIONER (APPEALS) KOTTAYAM (ON DEPUTATION), ERNAKULAM.

EXHIBIT-P3: TRUE COPY OF THE MODIFIED ASSESSMENT ORDER DATED 15.2.2013 PASSED BY THE 1ST RESPONDENT.

EXHIBIT-P4: TRUE COPY OF THE EX-PARTE ORDER DATED 5.2.2015 PASSED BY THE 3RD RESPONDENT.

EXHIBIT-P5: TRUE COPY OF THE MODIFIED ORDER NO.32080234735C/06-07/KVAT DATED 13.07.2015 PASSED BY THE 2ND RESPONDENT.

EXHIBIT-P6: TRUE COPY OF THE MODIFIED ORDER NO.32080234735C/06-07/CST DATED 13.7.2015 PASSED BY THE 2ND RESPONDENT.

EXHIBIT-P7: TRUE COPY OF THE LETTER DATED 28.7.2015 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXHIBIT-P8: TRUE COPY OF THE NOTICE DATED 29.9.2015 OF HEARING ISSUED BY THE SECRETARY OF THE KERALA SALES TAX APPELLATE TRIBUNAL, ERNAKULAM.

EXHIBIT-P9: TRUE COPY OF THE DEMAND NOTICE UNDER SECTION 7 DATED 18.09.2015 ISSUED BY THE 4TH RESPONDENT.

EXHIBIT-P10: TRUE COPY OF THE LETTER DATED 30.9.2015 SENT BY THE PETITIONER TO THE DEPUTY COMMISSIONER, COMMERCIAL TAXES, THRISSUR WITH COPY TO THE 2ND AND 4TH RESPONDENTS AND THE DISTRICT COLLECTOR, THRISSUR.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.30257 of 2015

Dated this the 8th day of October, 2015

J U D G M E N T

Ext.P4 order passed ex-parte in the appeal by the third respondent has been sought to be re-opened. The restoration application filed for this purpose evidenced by Ext.P7 letter has already been heard. The petitioner states that orders are expected soon in the restoration application.

2. Exts.P5 and P6 modified orders have been passed pursuant to Ext.P4 order. The petitioner contends that Exts.P5 and P6 orders would stand annulled in case Ext.P4 ex-parte order is set aside. The petitioner therefore seeks to stay Ext.P9 demand notice in enforcement of Exts.P5 and P6 modified orders.

3. I direct the third respondent Appellate Tribunal to pass orders on the restoration application within a period of two weeks from today. Further coercive steps pursuant to Ext.P9 notice in enforcement of Exts.P5 and P6 modified orders shall be put on hold in the meanwhile.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.