

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 6TH DAY OF NOVEMBER 2015/15TH KARTHIKA, 1937

WP(C).No. 33690 of 2015 (I)

PETITIONER :

**AFAQ IMPEX INDIA PVT. LTD.,
AJESUDAS ROAD, KUNNAMKULAM P.O.
THRISSUR DISTRICT-680 503
REPRESENTED BY ITS MANAGING DIRECTOR
MR.K.K.ALI.**

**BY ADVS.SRI.GIBI C.GEORGE
SMT.LATHA SUSAN CHERIAN**

RESPONDENT(S) :

- 1. THE ASSISTANT COMMISSIONER (APPEALS)
DEPARTMENT OF COMMERCIAL TAXES, THRISSUR-680 003.**
- 2. THE COMMERCIAL TAX OFFICER - II
DEPARTMENT OF COMMERCIAL TAXES, MINI CIVIL STATION
2ND FLOOR, KUNNAMKULAM, THRISSUR DISTRICT-680503.**

R1 & R2 BY GOVT. PLEADER SMT. LILLY K.T.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 33690 of 2015 (I)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1 : COPY OF APPLICATION DT. 28-6-2013 (FORM NO.21CC) FILED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT.**
- EXT. P2 : COPY OF ORDER NO.32081230113/2012-13 DT. 6-12-2013 PASSED BY
THE 2ND RESPONDENT.**
- EXT. P3 : COPY OF APPEAL FILED BY THE PETITIONER BEFORE THE FIRST
RESPONDENT.**
- EXT. P4 : COPY OF INTERLOCUTORY APPLICATION FOR EARLY POSTING FILED
BY THE PETITIONER BEFORE THE FIRST RESPONDENT.**
- EXT. P5 : COPY OF LETTER DT 23-5-2014 SEND BY THE PETITIONER BEFORE
THE FIRST RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No.33690 of 2015

Dated this the 6th day of November 2015

JUDGMENT

Against Ext.P2 order, rejecting a refund application preferred by the petitioner, under the KVAT Act, the petitioner has preferred Ext.P3 appeal before the 1st respondent, and the limited prayer of the petitioner is for a direction to the 1st respondent to consider and pass the orders on Ext.P3 appeal, expeditiously, after hearing the petitioner.

2. I have heard the learned counsel for the petitioner and also the learned Government Pleader for the respondents.

3. On a consideration of the facts and circumstances of the case as also the submissions made across the Bar, I dispose the writ petition with the following directions:

i) The 1st respondent shall consider and pass orders on Ext.P3 appeal, within a period of one month from the date of receipt of a copy of this judgment, after hearing the petitioner.

ii. The petitioner shall produce a copy of this

writ petition along with the copy of this judgment,
before the 1st respondent for further action.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

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