

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

WP(C).No. 34036 of 2015 (D)

PETITIONER(S) :

1. M/S. PAE LTD.,
870 DI, KALATHIPRAMBIL BUILDING, MAROTTICHODU
EDAPPALLY P.O., ERNAKULAM-682 024
REPRESENTED BY ITS AUTHORIZED SIGNATORY
SREEJITH N.

2. SREEJITH N.,
S/O. LATE V.N. NARAYANAN NAIR, LAKSHMIVILASAM
MUDAVOOR P.O., MUDAVOOR, MUVATTUPUZHA.

BY ADVS.SRI.RAJESH NAMBIAR
SRI.N.R.SAJ

RESPONDENT(S) :

1. ASST. COMMISSIONER
SPECIAL CIRCLE-III
ERNAKULAM
DEPARTMENT OF COMMERCIAL TAXES
PIN – 682 015.

2. THE PUBLIC INFORMATION OFFICER
SPECIAL CIRCLE-III
DEPARTMENT OF COMMERCIAL TAXES
ERNAKULAM, PIN – 682 015.

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

Mn

...2/-

WP(C).No. 34036 of 2015 (D)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1: THE TRUE COPY OF THE ASSESSMENT ORDER DT. 4/9/15.**
- EXT.P2: THE TRUE COPY OF THE APPLICATION DT. 28/9/15 FILED UNDER THE
RTI ACT BEFORE THE 2ND RESPONDENT.**
- EXT.P3: THE TRUE COPY OF THE APPLICATION DT. 30/9/15 FILED UNDER THE
RTI ACT BEFORE THE 2ND RESPONDENT.**
- EXT.P4: THE TRUE COPY OF THE JUDGMENT DT. 13/10/15 IN WP(C)
NO. 31129/15.**
- EXT.P5: THE TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT
DT. 16/10/15 REJECTING EX.P2 APPLICATION.**
- EXT.P6: THE TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT
DT. 17/10/15 REJECTING EX.P3 APPLICATIONS .**
- EXT.P7: THE TRUE COPY OF THE APPLICATION DT. 20/10/15 FILED BY THE
2ND PETITIONER UNDER THE RTI ACT.**
- EXT.P8: THE TRUE COPY OF THE APPLICATION DT. 20/10/15 FILED BY THE
2ND PETITIONER UNDER THE RTI ACT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.34036 OF 2015 (D)

Dated this the 2nd day of December, 2015

J U D G M E N T

The petitioner has approached this Court through the present writ petition aggrieved by the inaction on the part of the 2nd respondent to pass orders on Exts.P7 and P8 applications submitted by the petitioner under the Right to Information Act [RTI Act]. During the pendency of the writ petition, the 2nd respondent had passed orders on Exts.P7 and P8 applications under the RTI Act, and the said orders were communicated to the petitioner also. The petitioner however is aggrieved to the extent that the replies received by him pursuant to Exts.P7 and P8 applications do not indicate as to whether the original of the applications preferred by him under Section 25A was available with the 2nd respondent or not.

In a statement filed on behalf of the 1st respondent, in the present writ petition, it is stated that the original copy of the application under Section 25A is not available in the file, although a copy of the same that was kept in the file was given to the petitioner

for verification. Counsel for the petitioner submits that since the respondents have indicated, in their statement, that the original copy of the application under Section 25A is not available with them in their file, the writ petition can be closed without prejudice to the right of the petitioner to challenge the assessment order on the basis of material that he has obtained under the RTI Act. The writ petition is accordingly closed by accepting the statement on behalf of the 1st respondent on the files of this Court.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp/2/12/15