

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

WP(C).No. 35049 of 2015 (E)

PETITIONER

**M/S.AFCONS INFRASTRUCTURE LTD.,
NEAR GOSHREE 2ND BRIDGE,
VALLARPADOM POST, COCHIN,
REPRESENTED BY ITS EXECUTIVE
VICE PRESIDENT (TAXATION) MR.M.M.LALVANI.**

**BY ADVS.SMT.K.LATHA
SMT.M.K.HAJARA**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY,
SECRETARIAT, TRIVANDRUM - 695 001.**
- 2. ASSISTANT COMMISSIONER, (WORKS CONTRACT),
O/O.THE DEPUTY COMMISSIONER,
COMMERCIAL TAXES, ERNAKULAM - 682 018.**

BY GOVERNMENT PLEADER SRI.R.RANJITH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONERS' EXHIBITS:

- EXT. P1 : THE TRUE COPY OF THE ASSESSMENT ORDER FOR THE YEAR 2008-2009 DATED 16.8.2014 ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER.
- EXT. P2 : THE TRUE COPY OF THE ASSESSMENT ORDER FOR THE YEAR 200-2010 DATED 26.11.2014 ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER.
- EXT. P2(A) : THE TRUE COPY OF THE ASSESSMENT ORDER FOR THE YEAR 2009-2010 DATED 23.3.2015 ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER.
- EXT. P3 : THE TRUE COPY OF THE ASSESSMENT ORDER FOR THE YEAR 2010-2011 DATED 20.6.2015 ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER.
- EXT. P4 : THE TRUE COPY OF THE ASSESSMENT ORDER FOR THE YEAR 2011-2012 DATED 13.8.2015 ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER.
- EXT. P4(A) : THE TRUE COPY OF THE CST ASSESSMENT ORDER FOR THE YEAR 2011-2012 DATED 13.8.2015 ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER.
- EXT. P5 : THE TRUE COPY OF THE ASSESSMENT ORDER FOR THE YEAR 2012-2013 DATED 7.9.2015 ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER.
- EXT. P6 : THE TRUE COPY OF THE ASSESSMENT ORDER FOR THE YEAR 2013-2014 DATED 23.9.2015 ISSUED BY THE SECOND RESPONDENT TO THE PETITIONER.
- EXT. P7 : THE TRUE COPY OF THE LETTER DATED 11TH JUNE 2014, LETTER DATED 12TH AUGUST 2014 AND LETTER DATED 16TH JUNE 2015 FILED BY THE PETITIONER BEFORE THE SECOND RESPONDENT ALL WITH ACKNOWLEDGEMENT SEAL FROM THE SECOND RESPONDENT.
- EXT. P8 : THE TRUE COPY OF THE REFUND REQUEST LETTER DATED 7TH OCTOBER 2015 FILED BY THE PETITIONER BEFORE THE SECOND RESPONDENT.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 35049 of 2015

Dated this the 20th day of November, 2015

JUDGMENT

The limited prayer of the petitioner in the writ petition is for a direction to the 2nd respondent, before whom the petitioner has preferred Ext.P8 refund application, to consider and pass orders on the same, expeditiously, after hearing the petitioner.

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

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 a direction to the 2nd respondent to consider and pass orders on ExtP8 refund application preferred by the petitioner, within a period of two months from the date of receipt of a copy of this judgment, after hearing the petitioner. The petitioner shall produce a copy of the writ petition, together with a copy of this judgment before the 2nd respondent, for further action.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE