

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

WP(C) .No. 35320 of 2015 (L)

PETITIONER(S) :

K.M.NAZEER,
1709, KUNNAPPILLIL HOUSE, HARITHA ROAD,
PALARIVATTOM, VENNALA P.O., KOCHI - 682 024.

BY ADVS.SRI.HARISANKAR V. MENON
SMT.MEERA V.MENON
SRI.MAHESH V.MENON
SRI.K.SUNIL
SRI.JITHIN PAUL VARGHESE
SRI.A.RIYAS

RESPONDENT(S) :

1. THE SUPERINTENDENT OF CENTRAL EXCISE,
SERVICE TAX RANGE, CENTRAL EXCISE BHAVAN,
KATHRIKKADAVU, KOCHI - 682 017.
2. THE ASST. COMMISSIONER OF CENTRAL EXCISE,
CENTRAL EXCISE BHAVAN, KATHRIKKADAVU, KALOOR.
KOCHI - 17.
3. THE BRANCH MANAGER,
ICICI BANK, NATIONAL HIGHWAY BYE PASS BRANCH,
SOBHA ROAD, VENNALA P.O., ERNAKULAM - 682 028.
4. THE BRANCH MANAGER,
KARUR VYSYA BANK, AMRITHA TOWER, M.G.ROAD BRANCH,
ERNAKULAM - 682 011.

R1-R2 BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL,SC,CB EX
BY ADV.SRI.LAL K.JOSEPH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
23-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT. P1. COPY OF THE ORDER ISSUED BY THE 1ST RESPONDENT FOR THE PERIOD 2ND HALF 2012-13, 2013-14 AND 1ST HALF 2014-15 DATED 07.04.2015.
- EXT. P2. COPY OF LETTER FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 09.07.2015.
- EXT. P3. COPY OF LETTER ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER DATED 19.08.2015.
- EXT. P4. COPY OF LETTER FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 31.10.2015.
- EXT. P5. COPY OF NOTICE ISSUED BY THE 2ND RESPONDENT DATED 12.11.2015.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.35320 OF 2015 (L)

Dated this the 23rd day of November, 2015

J U D G M E N T

The grievance of the petitioner in the writ petition is against a computation mistake that was noticed in Ext.P1 order passed under the Finance Act, 1994 as amended, governing service tax. The petitioner has preferred Ext.P4 representation before the 1st respondent. It is pointed out that even before the 1st respondent had occasion to consider Ext.P4 representation, coercive steps are sought to be taken against the petitioner for recovery of amounts confirmed against the petitioner by Ext.P1 order. Ext.P5 notice is produced as indicating the steps taken by the respondents for recovery of the amounts confirmed against the petitioner in the mean while.

2. I have heard the learned counsel for the petitioner, learned Standing counsel for respondents 1 and 2 as also the learned Standing counsel for the 3rd respondent bank.

3. On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I am of the view

that the interests of justice would be served by directing the 1st respondent to consider and pass orders on Ext.P4 representation preferred by the petitioner within a period of one month from the date of receipt of a copy of this judgment. I make it clear that, till such time as orders are passed by the 1st respondent on Ext.P4 representation, and communicated to the petitioner, recovery steps pursuant to Ext.P5 notice shall be kept in abeyance.

The writ petition is disposed as above.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp/23/11/15