

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

WP(C).No. 36299 of 2015 (J)

PETITIONER:

**SHRI.RAJEEV KUMAR SUKUMARAN,
S/O.SUKUMARAN, AGED 42 YEARS, SCIENTIST,
BIO-TECHNOLOGY DEPARTMENT, CSIR,
INDUSTRIAL ESTATE.P.O, THIRUVANANTHAPURAM.**

**BY SRI.T.M.SREEDHARAN,SENIOR ADVOCATE
ADV.SRI.V.P.NARAYANAN**

RESPONDENTS:

- 1. THE INCOME TAX OFFICER,
WARD-2(3), THIRUVANANTHAPURAM-695 005.**
- 2. THE COMMISSIONER OF INCOME TAX (APPEALS),
AAYAKAR BHAVAN, KOWDIAR,THIRUVANANTHAPURAM-695 003.**

R1 & R2 BY ADV.SRI.KMV.PANDALAI

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 36299 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 THE COPY OF THE ASSESSMENT ORDER DATED 30.9.2011 ALONG WITH
DEMAND NOTICE PASSED BY THE 1ST RESPONDENT**
- P2 TRUE COPY OF THE MEMORANDUM OF APPEAL DATED 7/11/2011 FILED BY
THE PETITIONER BEFORE THE 2ND RESPONDENT**
- P2(A) TRUE COPY OF THE STAY PETITION DATED 3.11.2015 FILED BY THE THE
PETITIONER BEFORE THE 2ND RESPONDENT**
- P3 TRUE COPY OF THE APPLICATION DATED 20.10.2015 SUBMITTED BY THE
PETITIONER BEFORE THE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 36299 of 2015

Dated this the 1st day of December, 2015

JUDGMENT

Against Ext.P1 order of assessment under the Income Tax Act, the petitioner preferred Ext.P2 appeal and Ext.P2(a) stay petition before the 2nd respondent. It is the case of the petitioner that even before the consideration of the stay petition by the 2nd respondent, recovery steps have been initiated against him for recovery of the amount confirmed by Ext.P1 order.

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 and the submissions made across the bar, I dispose the writ petition with a direction to the 2nd respondent to consider and pass orders on Ext.P2(a) stay petition preferred by the petitioner before him, within a period of three months from the date of receipt of a copy of this judgment, after hearing the petitioner. Recovery steps for recovery of amounts confirmed against the petitioner by Ext.P1 order, shall be kept in abeyance, till such time as the 2nd respondent passes orders as directed and communicates the same

W.P.(C). No. 36299 of 2015

to the petitioner. The petitioner shall produce a copy of this writ petition together with a copy of this judgment, before the 2nd respondent for further action.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

das /1.12.15