IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

WP(C).No. 36687 of 2015 (I)

PETITIONER :

THE KUMARAMPUTHUR SERVICE CO-OP. BANK LTD .,
MANNARKKAD COLLEGE P.O., MANNARKKAD, PALAKKAD-678 582
REPRESENTED BY ITS SECRETARY C.H.ABDUL HAMEED.

BY ADVS.SRI.HARISANKAR V. MENON
SMT.MEERA V.MENON
SRI.A.RIYAS (MANJAPPARA)

RESPONDENT(S) :
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1. THE INCOME TAX OFFICER
WARD 4, PALAKKAD-678 001.

2. THE COMMISSIONER OF INCOME TAX (APPEALS)
ERNAKULAM, KOCHI-16.

R1 & R2 BY ADVS. SRI.JOSE JOSEPH, SC
SRI.K.M.V. PANDALAI, SC
SRI.P.K.R.MENON, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Mn

WP(C).No. 36687 of 2015 (I)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF ASSESSMENT ORDER ISSUED BY THE IST RESPONDENT FOR THE YEAR 2012-13 DATED 25-3-2014.

EXT.P2 COPY OF APPEAL FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 22-4-2015.

EXT.P3 COPY OF STAY PETITION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 22-4-2015.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.

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W.P.(C).No.36687 of 2015

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Dated this the 4th day of December, 2015

<u>J U D G M E N T</u>

Against Ext.P1 assessment order under the Income Tax Act, the petitioner has preferred Ext.P2 appeal and Ext.P3 stay petition before the 2nd respondent. It is the case of the petitioner that even prior to considering the stay petition, recovery steps are sought to be pursued for recovery of the amounts confirmed by Ext.P1 assessment orders.

2. I have heard the learned counsel for the petitioner and also the learned Standing counsel 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 2nd respondent shall consider and pass orders on Ext.P3 stay petition within a period of two months from the date of receipt of a copy of this judgment, after hearing the petitioner.

ii. Recovery steps for recovery of amounts confirmed against petitioner by Ext.P1 assessment order shall be kept in abeyance till orders are passed by the 2nd respondent as directed above and communicated to the petitioner.

iii. The order to be passed by the 2nd respondent shall be a reasoned one adverting to the contentions of the petitioner regarding existence of a prima facie case for a stay of recovery pending disposal of the appeal.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/4.12.15