

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

WP(C).No. 38499 of 2015 (J)

PETITIONER:

**M/S.NIRMITHI KENDRA,
PALLITHOTTAM, KOLLAM,
REPRESENTED BY EXECUTIVE SECRETARY
AND PROJECT MANAGER, E.K.GEETHA PILLAI.**

**BY ADVS.SRI.HARISANKAR V. MENON
SMT.MEERA V.MENON**

RESPONDENT(S):

- 1. THE COMMERCIAL TAX OFFICER (WC),
KOLLAM - 691 001.**
- 2. THE DY.TAHSILDAR(RR), TALUK OFFICE,
KOLLAM - 691 001.**

BY GOVERNMENT PLEADER SRI.R.RANJITH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 38499 of 2015 (J)

APPENDIX

PETITIONERS' EXHIBITS:

- EXT. P1 : COPY OF ORDER ISSUED BY THE DY.COMMISSIONER (APPEALS),
KOLLAM DATED 28.2.2015.
- EXT. P2 : COPY OF ORDER ISSUED BY THE 1ST RESPONDENT DATED 3.7.2015.
- EXT. P3 : TRUE COPY OF LETTER SUBMITTED BY THE PETITIONER BEFORE
THE 1ST RESPONDENT DATED 13.8.2015.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.
.....
W.P.(C).No.38499 of 2015
.....
Dated this the 18th day of December, 2015

J U D G M E N T

The limited prayer of the petitioner in the writ petition is for a direction to the 1st respondent, before whom Ext.P3 representation for adjusting refund amounts due to the petitioner towards the demands raised on the petitioner under the Kerala General Sales Tax Act are pending, to consider and pass orders on the same expeditiously after hearing the petitioner.

2. I have heard the learned counsel for the petitioner and the learned Government Pleader 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 a direction to the 1st respondent to consider and pass orders on Ext.P3 representation preferred by the petitioner within a period of one month from the date of receipt of a copy of this judgment after hearing the petitioner. To enable the 1st

respondent to do so, I direct the petitioner to appear before the 1st respondent at his office at 11 am on 11.01.2016 together with all connected records to substantiate his claim on merits. I make it clear that, till such time as orders are passed by the 1st respondent as directed and communicated to the petitioner, recovery steps for recovery of the amounts confirmed against the petitioner by Ext.P1 assessment order shall be kept in abeyance.

A.K.JAYASANKARAN NAMBIAR
JUDGE