

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

WP(C).No. 38877 of 2015 (H)

PETITIONER(S):

**TITO ANTONY, AGED 42 YEARS,
S/O.P.A. AANTONY, PROPRIETOR,
ALLESH RICE MILL, MANOKODY AND
RESIDING AT ARIMBOOR PAVARATTYKARAN HOUSE,
MANOKODY, THRISSUR- 680 012.**

BY ADV. SRI.B.RAMACHANDRAN.

RESPONDENT(S):

- 1. THE KERALA STATE CIVIL SUPPLIES CORPORATION LTD.,
PB. NO.2030, MAVELI BHAVAN, MAVELI ROAD,
GANDHI NAGAR, KOCHI -682 020,
REPRESENTED BY ITS MANAGING DIRECTOR.**
- 2. THE PADDY MARKETING OFFICER,
SUPPLY CO, POONTHOLE, THRISSUR- 680 004.**

**R1 & R2 BY ADVS. SRI N.D.PREMACHANDRAN, SC.
SMT.MOLLY JACOB, SC.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1: A TRUE COPY OF AGREEMENT DATED 09.04.2012 BETWEEN THE 1ST RESPONDENT.**
- P2: A TRUE COPY OF REPORT DATED 05.08.2015.**
- P3: A TRUE COPY OF NOTICE DATED 26.08.2015.**
- P4: A TRUE COPY OF LETTER DATED 07.09.2015.**
- P5: A TRUE COPY OF ASSESSMENT OF LIABILITY DATED 16.09.2015.**
- P6: TRUE COPY OF THE LETTER DATED 17.09.2015.**
- P7: TRUE COPY OF THE LETTER DATED 05.10.2015.**
- P8: TRUE COPY OF THE LETTER DATED 16.10.2015.**
- P9: TRUE COPY OF THE LETTER DATED 30.10.2015.**
- P10: TRUE COPY OF THE LETTER DATED 02.12.2015.**
- P11: TRUE COPY OF THE LETTER DATED 10.12.2015.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 38877 of 2015

Dated this the 21st day of December, 2015

JUDGMENT

The petitioner has approached this Court challenging notices issued by the respondents, demanding penalty from the petitioner. It is apparent that these demands are in the nature of notices and no final decision has been taken.

2. This Court is of the view that the petitioner shall raise objection to the notice within a period of two weeks and thereafter, after hearing the petitioner, the respondents shall take a final decision in this matter. Till a decision is taken in the matter, the demand shall not be enforced.

3. If any Bank guarantee is given, the same shall not be invoked till a decision is taken by the respondents. However, the Bank guarantee is due to expire, the same shall be renewed by the petitioner in the meanwhile. If not

renewed, the respondents are free to invoke the Bank guarantee before the date of expiry.

The writ petition is disposed of as above.

Sd/-

**A. MUHAMED MUSTAQUE
JUDGE**

bpr