

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

WP(C).No. 38955 of 2015 (T)

PETITIONER :

**JACOB OOMMEN
AGED 53 YEARS, S/O. KOCHUMMEN
MANATHARAYIL HOUSE, VAZHUTHANAM
PALLIPAD, HARIPAD, PROPRIETOR OF -
THE ROYALE GARDENS, NANGIARKULANGARA P.O.,
HARIPAD, ALAPPUZHA – 690 513.**

BY ADV. SRI.A.KRISHNAN

RESPONDENT(S) :

- 1. THE STATE OF KERALA
REPRESENTED BY THE SECRETARY LABOUR &
REHABILITATION DEPARTMENT
TRIVANDRUM – 695 001.**
- 2. THE ASSESSING OFFICER
THE AUTHORITY UNDER THE BUILDING AND
OTHER CONSTRUCTION WORKERS WELFARE CESS ACT, 1996
DISTRICT LABOUR OFFICE
ALAPPUZHA – 688 513.**
- 3. THE DEPUTY THASILDAR (R/R)
KARTHIKAPPALLY TALUK
ALAPPUZHA DISTRICT – 690 516.**

R1 TO R3 BY GOVT. PLEADER SRI. R. RANJITH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 38955 of 2015 (T)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF ASSESSMENT ORDER DATED 2.7.2014.

EXT.P2 COPY OF ORDER DATED 24.7.2014 ISSUED BY THE GOVERNMENT.

EXT.P3 COPY OF NOTICE DATED 9.9.2015 ISSUED U/S. 7 OF THE REVENUE
RECOVERY ACT.

EXT.P3(a) COPY OF NOTICE DATED 9.9.2015 ISSUED U/S. 34 OF THE REVENUE
RECOVERY ACT.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C) No.38955 of 2015

Dated this the 22nd day of December 2015

JUDGMENT

The petitioner, who is faced with Exts.P3 and P3(a) demand notices under the Revenue Recovery Act, for recovery of amounts confirmed against the petitioner by an order of District Labour Officer, under the provisions of Building And Other Construction Workers Welfare Cess Act, 1996, seeks only a grant of instalments to discharge his liability.

2. I have heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

On a consideration of the facts and circumstances of the case and the submissions made across the Bar, and taking into account the plea of financial hardship raised by the petitioner, I dispose the writ petition with the following directions:-

(i) If the petitioner pays the amount demanded in Exts.P3 and P3(a) demand notices in eight equal and successive monthly installments commencing from 05.01.2016, then the further proceedings initiated

against him by the respondents shall be kept in abeyance.

(ii) It is made clear that if the petitioner commits a default in respect of any of the installments, he will lose the benefit of this judgment and the respondents will be free to continue the proceedings against him from the stage at which they presently stand.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

sm/