IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 31ST DAY OF JANUARY 2020 / 11TH MAGHA, 1941

WP(C).No.2718 OF 2020(L)

PETITIONER/S:

WINTO PAULOSE PAUL
AGED 55 YEARS
PROPRIETOR, M/S. PAULSONS, HILL PRODUCE DEALER,
MANANTHAVADY, WAYANAD DISTRICT

BY ADV. SRI.RAJESH NAMBIAR

RESPONDENT/S:

1 **STATE TAX OFFICER**
MANANTHAVADY, WAYANAD DISTRICT 670 645

2 **THE STATE OF KERALA**
REPRESENTED BY SECRETARY TO GOVERNMENT, DEPARTMENT OF COMMERCIAL TAXES, SECRETARIAT, THIRUVANANTHAPURAM PIN - 695 001

OTHER PRESENT:

SMT.M.M.JASMINE, GOVT.PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.01.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ALEXANDER THOMAS, J.

W.P.(C.) No. 2718 of 2020

Dated this the 31st day of January, 2020

JUDGMENT

The prayers in the above W.P.(C.) are as follows :

> *(i) Issue a writ of mandamus or any other writ, order or direction directing the respondents to grant refund of the excess amount paid by the petitioner for the year 2009-10 expeditiously.*
> *(ii) Grant such other relief as may be prayed for and as this Hon'ble Court may deem fit in the circumstances of the case."*

2. Heard Sri.Rajesh Nambiar, learned counsel appearing for the petitioner and Smt.M.M.Jasmine, learned Government Pleader appearing for the respondent.

3. After hearing both sides and after taking note of the facts and circumstances of this case, it is ordered in the interest of justice that the 1st respondent will take up in consideration of the plea made by the petitioner in Ext.P7 petition dated 28.11.2019 and after affording reasonable opportunity of being heard to the petitioner, will render a considerable decision and will pass orders thereon, without much delay, preferably within a period of 4 weeks from the date of production of the certified copy of this judgment.

With these observations and directions, the above W.P.(C.) will stand disposed of.

Sd/-

ALEXANDER THOMAS,
JUDGE

SKS

APPENDIX

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE ASSESSMENT ORDER DATED 18.02.2016 FOR THE YEAR 2009-10**
EXHIBIT P2	**TRUE COPY OF THE ORDER OF THE APPELLATE AUTHORITY DATED 24.03.2017 IN RESPECT OF EXT P1 ASSESSMENT**
EXHIBIT P3	**TRUE COPY OF THE ORDER OF THE APPELLATE TRIBUNAL, ADDL. BENCH, KOZHIKODE IN T.A. VAT NO.177/2017 DATED 2.11.2018**
EXHIBIT P4	**TRUE COPY OF THE REVISION PETITION O.T.R.38/2019 FILED BY THE STATE AGAINST EXT P3 ORDER**
EXHIBIT P5	**TRUE COPY OF THE APPLICATION FOR REFUND DATED 8.11.2019**
EXHIBIT P6	**TRUE COPY OF THE REPLY DATED 21.11.2019 OF THE 1ST RESPONDENT**
EXHIBIT P7	**TRUE COPY OF THE LETTER DATED 28.11.2019 SENT BY THE PETITIONER**