

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC

FRIDAY, THE 14TH DAY OF DECEMBER 2012/23RD AGRAHAYANA 1934

WP(C).No. 29882 of 2012 (I)

PETITIONER(S):

**P.K.BINU,
BINU CHICKEN CENTRE, MUNNOORPILLY, ANGAMALY.**

BY ADV. SRI.A.KUMAR

RESPONDENT(S):

- 1. THE DEPUTY COMMISSIONER (APPEALS),
DEPARTMENT OF COMMERCIAL TAXES, ERNAKULAM-682 015.**
- 2. COMMERCIAL TAX OFFICER, ANGAMALY. PIN-683 572.**
- 3. DEPUTY TAHSILDAR,
REVENUE RECOVERY, ALUVA.-PIN-682 101.**

R1 TO R3 BY SR GOVERNMENT PLEADER SMT.SHOBANNA EAPEN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14-12-2012, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C)NO.29882/2012

APPENDIX

PETITIONER'S EXHIBITS:

P1 COPY OF THE ASSESSMENT ORDER DATED 15/3/2012

P2 COPY OF THE MEMORANDUM OF APPEAL DATED 03/4/2012

P2(A) COPY OF THE STAY APPLICATION DATED 03/4/2012

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

ANTONY DOMINIC, J.
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W.P.(C). No. 29882 of 2012
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Dated this the 14th day of December 2012

JUDGMENT

The petitioner challenged Ext.P1 order of assessment by filing Ext.P2 appeal. Along with the appeal he has also filed Ext.P2 (a) stay petition. Appeal and the stay petition are pending. In the meanwhile, apprehending recovery proceedings the said writ petition is filed .

2. Taking note of the pendency of the appeal, I direct the first respondent to consider the same and pass orders. It shall be done as expeditiously as possible, at any rate, within three months of receipt of a copy of this judgment. In the meanwhile, the recovery of tax due under Ext.P1 order will stand stayed, subject to the petitioner remitting 1/3rd of the amount due thereunder. Payment shall be made within two weeks from today.

3. The petitioner will produce a copy of the judgment before the first respondent along with a copy of the writ petition.

The Writ petition is disposed of as above.

Sd/-

**ANTONY DOMINIC
JUDGE**

kvr/

/True copy/

P.A. to Judge