

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 28<sup>TH</sup> DAY OF APRIL, 2020/8TH VAISAKHA, 1942

W.P(C) TMP NO.8796 OF 2020

PETITIONER:

THE ASTHMICHIRA SERVICE CO-OPERATIVE BANK  
LTD.NO.325, ASTHAMICHIRA PO, ASHTAMICHIRA,  
THRISSUR DIST., REP. BY ITS SECRETARY

BY ADV. SRI. O.D.SIVADAS

RESPONDENTS:

1.THE COMMISSIONER OF INCOME TAX (APPEALS)  
AYAKAR BHAVAN,SHKTAN NAGAR  
THRISSUR - 680 001

2. THE INCOME TAX OFFICER, WARD 2(1)  
SHAKTAN NAGAR, THRISSUR - 680 001

BY SRI.JOSE JOSEPH, SC

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON  
28.04.2020, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

## JUDGMENT

I have heard the counsel for the petitioner through video conferencing. I have also heard the standing counsel for income tax who has taken notice on behalf of respondents. In the facts and circumstances of the case, I deem it fit that this writ petition be disposed of.

2. Petitioner is an income tax assessee and the issue relates to the assessment year 2017-18. By Ext. P1, the 1<sup>st</sup> respondent disallowed petitioner's claim for deduction under Section 80P of the Income Tax Act and demanded an amount of Rs.73,59,746/- as tax.

3. Challenging the said assessment, petitioner has preferred Ext. P2 appeal contending that the reason for disallowing petitioner's claim for deduction under section 80P is not tenable. While the appeal is pending, the respondents have initiated recovery proceedings to recover the tax allegedly due.

4. I find force in the contention of the counsel for the petitioner that if the respondents proceed with coercive steps pending consideration of the statutory appeal, the same will be rendered redundant and petitioner will be put to severe difficulties.

In such circumstances, I dispose of the writ petition by directing the respondents not to proceed with any coercive steps against the petitioner pending disposal of Ext.P2 appeal. I also direct the 1st respondent to consider and dispose of Ext. P2 appeal within a period of 6 months without insisting on payment of 10% of the tax demanded.

**BECHU KURIAN THOMAS,  
JUDGE**

cs1

## **APPENDIX**

### **PETITIONERS EXTS:**

**EXT. P1: COPY OF THE ASSESSMENT ORDER DTD. 23.12.2018 ISSUED BY  
THE 2<sup>ND</sup> RESPONDENT FOR THE PERIOD 2016-17**

**EXT.P2 COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE  
1<sup>ST</sup> RESPONDENT FOR THE PERIOD 2016-17 DTD 25.01.2019**