

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BECHU KURIAN THOMAS

THURSDAY, THE 30TH DAY OF APRIL, 2020/10TH VAISAKHA, 1942

W.P(C) 8987 OF 2020

PETITIONER:-

VILAPPIL SERVICE CO-OPERATIVE BANK LTD.,
NO.2522, HEAD OFFICE, PEYYAD,
THIRUVANANTHAPURAM, REPRESENTED BY ITS
SECRETARY, S. RICHARDSON, S/O.S. STEPHENSON,
AGED 55 YEARS, RESIDING AT TRIPTHI, MALAYAM P.O.,
THIRUVANANTHAPURAM DISTRICT.

BY ADV.BABU S. NAIR

RESPONDENTS:-

1. UNION OF INDIA, REPRESENTED BY
ITS SECRETARY, DEPARTMENT OF REVENUE,
MINISTRY OF FINANCE, GOVERNMENT OF INDIA,
NORTH BLOCK, NEW DELHI, PIN - 110 001.
2. THE CENTRAL BOARD OF DIRECT TAXES,
DEPARTMENT OF REVENUE,
MINISTRY OF FINANCE, GOVERNMENT OF INDIA,
NORTH BLOCK, NEW DELHI, REPRESENTED BY
ITS CHAIRMAN, PIN - 110 001.
3. THE PRINCIPAL CHIEF COMMISSIONER OF INCOME TAX.
KERALA REGION, MINISTRY OF FINANCE,
GOVERNMENT OF INDIA, CENTRAL REVENUE BUILDINGS,
I.S. PRESS ROAD, COCHIN, PIN - 682 018
4. THE INCOME TAX OFFICER (TDS),
THIRUVANANTHAPURAM, 3RD FLOOR,
AYAKKAR BHAVAN, KOWDIYAR,
THIRUVANANTHAPURAM, PIN - 695 003.
5. THE KERALA STATE CO-OPERATIVE BANK LTD.,
P.B.NO.6515, CO-BANK TOWERS, PALAYAM,
THIRUVANANTHAPURAM, REPRESENTED BY
ITS CHIEF EXECUTIVE OFFICER, PIN - 695 033

6. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY, CO-OPERATION,
GOVERNMENT SECRETARIAT, TRIVANDRUM, PIN - 695 001

BY P.VIJAYAKUMAR, ASSISTANT SOLICITOR
GENERAL OF INDIA
BY SRI.JOSE JOSEPH, SC
BY SRI.T.S.SYAMPRESANTH, GOVERNMENT PLEADER
BY ADV.GILBERT CORREYA, SC

THIS WRIT PETITION HAVING COME UP FOR ORDERS ON
30.04.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

W.P.(C) TMP No.8987 of 2020

Dated this the 30th day of April, 2020

ORDER

Assistant Solicitor General of India takes notice on behalf of the 1st respondent. Adv. Jose Joseph, learned Standing Counsel for the Income Tax takes notice on behalf of respondents 2 to 4. Government Pleader takes notice on behalf of the 6th respondent and Adv.Gilbert Correya, learned Standing Counsel takes notice on behalf of the 5th respondent.

Recovery under Section 194N of the Income Tax Act as against the petitioner pursuant to Ext.P6 shall stand stayed for a period of three months from today.

Post the Writ Petition along with the connected matters on 27.05.2020.

**BECHU KURIAN THOMAS
JUDGE**

APPENDIX

EXHIBIT P1:- COPY OF THE RELEVANT PAGES OF THE FINANCE (2) ACT, 2019.

EXHIBIT P2:- COPY OF THE RELEVANT PAGE OF THE FINANCE (2) BILL, 2019 DATED, 5-7-2019.

EXHIBIT P3:- COPY OF THE NOTIFICATION AS S.O.3427/E DATED, 20-09-2019 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P4:- COPY OF THE NOTIFICATION S.O.3719/E DATED, 15-10-2019 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P5:- COPY OF THE NOTIFICATION AS S.O.3356/E DATED 18-9-2019 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P6:- COPY OF THE NOTICE ISSUED BY THE 6TH RESPONDENT TO THE PETITIONER DATED, 12-3-2020.

EXHIBIT P6(A):- TRUE ENGLISH TRANSLATION OF EXHIBIT P6.

EXHIBIT P7:- COPY OF THE CIRCULAR ISSUED BY THE RESERVE BANK AS CIRCULAR NO.RBI/2013-14/653 DATED, 24-6-2014.

EXHIBIT P8:- COPY OF THE REPRESENTATION SUBMITTED BY THE MINISTER OF CO-OPERATION TO THE FINANCE MINISTER, GOVERNMENT OF INDIA DATED, NIL.