

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE GOPINATH.P.

FRIDAY, THE 08TH DAY OF MAY, 2020/18TH VAISAKHA, 1942

W.P(C) NO.9772 OF 2020

PETITIONER:

ALAVUDEEN JAINLABUDEEN
MALAYANDIPATANAM HANEEFA
RIFA MANZIL,
14/90, VADAKKAMURI,
KALMANDAPAM,
PALAKKAD - 678 001.

BY ADVS. SRI. ARIKKAT VIJAYAN MENON
SRI.HARISANKAR. V. MENON
SMT. MEERA. V. MENON
SMT. KRISHNA.K. ,

RESPONDENTS:

1. THE INCOME TAX OFFICER,
WARD 1 & TPS,
AAYAKAR BHAVAN,
ENGLISH CHURCH ROAD
PALAKKAD - 678 014.
2. THE COMMISSIONER OF INCOME TAX (APPEALS) ,
AAYAKAR BHAVAN, THRISSUR - 680 001.

BY ADVS.

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON 08.05.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 08th day of May 2020

The assessment proceedings against the petitioner were completed for assessment year 2017-2018 through Ext.P1 assessment order under Section 143(3) of the Income Tax Act. The petitioner states that he has preferred Ext.P2 appeal together with Ext.P3 application for interim stay before the 2nd respondent and that the same is pending. The petitioner apprehends that recovery proceedings would be initiated pending consideration of Ext.P3 application for stay and has therefore approached this Court with the prayer to direct the 2nd respondent to consider and pass orders on Ext.P3 petition for stay.

In the facts and circumstances of this case, I direct the 2nd respondent to consider and pass orders on Ext.P3 stay petition as expeditiously as possible, after affording reasonable opportunity of hearing to the petitioner. The stay petition shall be disposed of, at any rate, within a period of one month from the date of receipt of a certified copy of this judgment. Till such time as orders are passed on Ext.P3, all steps for recovery of amount due under Ext.P1 shall be kept in abeyance.

This Writ petition is thus disposed of.

GOPINATH . P

JUDGE

APPENDIX

PETITIONER'S EXTS:

EXT. P1. COPY OF ASSESSMENT ORDER ISSUED BY THE 1ST RESPONDENT FOR THE YEAR 2017-18 DATED 12-12-2019.

EXT. P2. COPY OF THE APPEAL FILED BEFORE THE 2ND RESPONDENT DATED 04-01-2020.

EXT. P3. COPY OF PETITION FOR STAY FILED BEFORE THE 2ND RESPONDENT DATED 04-01-2020.