

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 05TH DAY OF MAY, 2020/15TH VAISAKHA, 1942

W.P(C) TMP NO.293 OF 2020

PETITIONER

THE KARUMALLOOR SERVICE CO-OPERATIVE BANK
LTD NO. 737,
KARUMALLOOR P.O,
ERNAKULAM DISTRICT - PIN- 683 511
REPRESENTED BY ITS SECRETARY, SRI. T.T SREEKUMAR.

BY ADVS. SRI. M.M.MONAYE AND
SRI. M.PAUL VARGHESE

RESPONDENTS:-

1. THE INCOME TAX OFFICER,
WARD - 2, TPS, KAP COMMERCIAL COMPLEX
O/O ADDITIONAL COMMISSIONER OF INCOME TAX
ALUVA RANGE, R.S. ROAD, ALUVA - 683 101.
2. THE COMMISSIONER OF INCOME TAX (APPEALS),
281243, "POORNIMA", NEAR MANORAMA JUNCTION,
PANAMPILLY NAGAR, KOCHI- 682 036.

BY SRI.JOSE JOSEPH, SC

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON
05.05.2020, 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 1st respondent disallowed petitioner's claim for deduction under Section 80P of the Income Tax Act and demanded an amount of Rs.1,62,28,187/- 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.

5. 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 2nd 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**

vps

APPENDIX

PETITIONERS EXTS:

EXHIBIT: P1- TRUE COPY OF THE ASSESSMENT ORDER DATED
29.12.2019 ALONG WITH DEMAND NOTICE

EXHIBIT: P2- TRUE COPY OF THE APPEAL DATED 17.01.2019
SUBMITTED BY THE PETITIONER BEFORE THE 2ND
RESPONDENT

EXHIBIT: P3- TRUE COPY OF THE NOTICE DATED 17.3.2020 ISSUED
BY THE 1ST RESPONDENT

EXHIBIT: P4- TRUE COPY OF THE STAY PETITION DATED 18.3.2020
ALONG WITH THE ACKNOWLEDGEMENT