(2010) 08 KL CK 0192

In the High Court Of Kerala

Case No : Writ Petition (C) No. 24687 of 2010 (I)

B. Mohammed Sherif — APPELLANT

Vs

The Intelligence Inspector, Inspecting Assistant Commissioner and State of Kerala — RESPONDENT

Date of Decision : 06-08-2010

Acts Referred:
Kerala Value Added Tax Act, 2003 — Section 47(2)

Citation : (2010) 08 KL CK 0192

Hon'ble Judges : P.R. Ramachandra Menon, J

Bench : Single Bench

Advocate : C. Unnikrishnan, for the Appellant; No Appearance, for the Respondent

Judgement

P.R. Ramachandra Menon, J.—The petitioner, who is a registered dealer under the KVAT Act, was transporting some wooden furniture (Manchiyam) in the vehicle bearing No. KL 2N 9197, when the same was intercepted on 5.8.2010, issuing Ext.P1 notice u/s 47(2) of the KVAT Act, doubting evasion of tax and demanding security deposit to the extent as specified therein, which forms the subject matter of challenge in this Writ Petition.

2. The learned Counsel for the petitioner submits that, the only defect noted in Ext.P1 is that, the goods are ''undervalued'', which made the authority concerned to doubt evasion of tax, leading to issuance of Ext.P1 notice. The goods reflect the actual ''market value'' and that absolutely no rhyme or reason is there for the observation, to the contrary, submits the learned Counsel.

3. Heard the learned Government Pleader as well.

4. Considering the facts and circumstances, this Court finds that this is a matter which requires to be adjudicated by the concerned authority in accordance with the relevant provisions of the law. However, this Court does not find it necessary to detain the goods as well as the vehicle any further and the same shall be

released to the petitioner forthwith, on condition that the petitioner executes a ''simple bond'' for the security deposit demanded vide Ext.P1. This will be without prejudice to the right of the respondents to pursue the adjudication proceedings, if any, which shall be finalised in accordance with law, as expeditiously as possible, at any rate within two months from the date of receipt of a copy of this judgment.

The Writ Petition is disposed of as above.

