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29/03/19

D.G. Systems & D.M.

Dairy No. 74

Date 27/3/19

प्रणाली एवं आंकड़ा प्रबंधक महानिदेशालय
सीमा एवं केन्द्रीय उत्पाद शुल्क
होटल सम्राट, चाणक्यपुरी, नई दिल्ली-110 021

26 MAR 2019

डाक प्राप्ति 1906

डाकरी सं.

F.No. 278A/42/2018-Legal(Pt.I)
Government of India
Ministry of Finance
Department of Revenue
Central Board of Indirect taxes & Customs

North Block, New Delhi
1st March, 2019

To,

- (1) All Principal Chief Commissioners/Chief Commissioner of Central Tax & Customs
- (2) All Principal Director Generals/Director Generals of Central Tax & Customs
- (3) <Webmaster.cbec@icegate.gov.in> for uploading the same on CBIC website under the head "Legal Affairs"

Subject: Monitoring of Performance of CBIC Panel Counsels—reg.

Sir/Madam,

In a recent review meeting of CBIC panel counsels, Secretary (Revenue) has critically examined the performance of counsels representing the Department before Hon'ble Delhi High Court. As you are aware, CBIC panel counsels are appointed to defend the interest of government in indirect taxation matters before various high courts and other fora. Para 3 of Board's D.O. dt.05.07.2007(copy enclosed) provides a mechanism to monitor and assess the performance of these counsels and periodic reports have been prescribed vide Proforma- C & D to the said letter. While proforma-C is required to be filled and submitted by a Commissioner to the Chief Commissioner, the Chief Commissioner is in turn required to submit to the Board in Proforma-D an annual performance of these counsels to the legal cell of the Board.

2. However, it is seen that the Pr.CCs/CCs/Pr.DGs/DGs have not been submitting these reports to the Board. It is hereby reiterated that these reports should invariably be submitted as per the prescribed time schedule. **The annual reports for the years 2016 and 2017 should be submitted latest by 11.03.2019, and for the year 2018 by the prescribed date ie., 30.06.2019.**

3. Further, for an effective defence of the case before the Hon'ble Court, it is hereby directed that:

- Para-wise comments are submitted to the counsels well in time,
- Timely & efficacious briefing of the counsels is undertaken by a sufficiently senior and well conversant officer,

Pr. ADG / ADG	
ACES / GST	SI
LAN-WAN	ADMN
ICES	DG CELL
ICEGATE	EDW
DDM	SW / APIs
	ECOS

ADD. 29/3

Supet (Jayam)
E. A. (Manna)

(iii) Any clarification/query of the counsels/court should be replied most expeditiously,


(iv) It should be ensured that counter-affidavit/rejoinder affidavit (as the case maybe) is filed in time & in case court has given any time period for its filing by the said period. The said affidavit should cogently bring out all facts and should be legally sound. Relevant case laws should be cited therein,

(v) It should be ensured that the govt. counsel engaged effectively brings out all facts and relevant case laws before the court during hearings and counters any case law/Rules/Instruction etc. cited by the opposite party.

(vi) PrCCs/CCs/PrDGs/DGs should meet the counsels on a quarterly basis to monitor the handling of the cases.

4. Your attention is also invited to D.O. letter dt.05.9.2017 and other recent instructions dt. 18.09.2017, 9.11.2017, 12.03.2018 alongwith its corrigendum and 04.07.2018 (available on CBIC website under the head "Legal Affairs") which should also be strictly complied with.

Yours faithfully,


(Ameeta Suri)
Member (Legal)