

F.No.278A/36/2020-Legal
Government of India
Ministry of Finance
Department of Revenue
(Central Board of Indirect taxes & Customs)
Legal Cell

Wing 5 'C' HUDCO Vishala Building
Bhikaji Cama Place, R.K. Puram
New Delhi, the 30th September'2020

Instruction

To,

1. All Principal Chief Commissioners/Chief Commissioners of Customs & GST
2. All Principal Director Generals/ Director Generals of Customs & GST
3. <webmaster.cbec@icegate.gov.in>

Sir/Madam,

Sub: Performance Review of the Standing Counsels representing Department before High Courts -reg

Instructions have been issued by the Board from time to time so as to ensure that the appeals and petitions filed before Hon'ble High Courts in the country are defended and pursued efficaciously. Any adverse order by the High Court may have All India ramifications, and considering the limited scope of SLP under Article 136 of the Constitution of India, it becomes imperative that all possible steps are taken by the field formations to defend the interests of revenue before respective High Courts effectively. This necessarily entails monitoring of performance of the Standing Counsels, representing the Department before Hon'ble High Courts on a regular basis and taking any corrective steps including assignment/re-assignment of cases to the counsels accordingly.

2. There is a need to ensure regular and timely monitoring of the performance of the Counsels and to ensure proper assistance to them by the Department. Accordingly, in continuation to the Board's earlier letter vide F.No. 278A/43/2007-Legal dated 05.12.2007, the undersigned has been directed to state the following for immediate compliance:

i. The jurisdictional Principal Chief Commissioners/Principal DGs/Chief Commissioners/DGs shall monitor the performance of the Standing Counsels on monthly basis and submit a consolidated report, as mentioned at **Annexure A** (copy enclosed) to the Board.

ii. The jurisdictional Principal Chief Commissioners/Principal DGs/Chief Commissioners/DGs shall also submit a monthly report for the new cases filed in High Court during the month, as mentioned at **Annexure B** (copy enclosed), to the Board.

iii. Both the reports must be submitted before 03rd of the succeeding month, in MS WORD format only, at osd-legal@gov.in.

3. Apart from submission of above stated two reports, following be adhered by the field formations:

i. Allocation/re-allocation of cases to the Counsels may be done based on the performance of the Counsel.

ii. The Counsels should be timely briefed by well conversant sufficiently senior Officer/s of the Commissionerate/ Directorate. The Counsels should be provided the contact details of the senior officers concerned for any urgent assistance.

iii. The Principal Chief Commissioners/Principal DGs/Chief Commissioners/ DGs shall develop a mechanism for a regular open house interaction with the Standing Counsels. If a particular location has more than one Principal Chief Commissioners/ Chief Commissioners posted, the modalities of open house interaction may be decided amongst them. Such open house interactions should, preferably, be held quarterly.

iv. Apart from regular open house interaction, Principal Commissioners/ Principal ADGs/Commissioners/ADGs may ensure regular and timely interaction with Counsels, specifically on important issues.

v. Counsels may also be sensitized to intimate the Department about the status of the pending matters on timely basis. Unless there is a justification, any last-minute intimation by the Counsels including request for para-wise comments, delay in informing the status of the cases etc. may also be taken into account, while assigning the cases to the Counsels.

4. It is reiterated that the Appeals/Petitions filed before High Court must be handled effectively and diligently, leaving no room for laxity. The success in the cases pending before Hon'ble High Court requires extensive deliberation and cooperation between the Commissionerates and the Counsels.

5. The contents of this Instruction may also be brought to the notice of all field formations under your jurisdiction.

This issues with the approval of Secretary (Finance).

Yours faithfully,

Encl: As above

(Anish Gupta)
OSD (Legal)