

पृ.सं. 1248/31 नए. वि. वि. वि. वि.  
07/11/15

F.No.275/32/2016-CX.8A  
Government of India  
Ministry of Finance  
Department of Revenue  
Central Board of Excise and Customs  
(Legal Cell)  
\*\*\*\*

C-Wing, 5<sup>th</sup> Floor, Hudco Vishala Bldg.,  
Bhikaji Cama Place, R.K.Puram,  
New Delhi, the 1<sup>st</sup> November, 2016

**Instruction**

To

1. All Commissioners (Appeals)/Customs, Central Excise and Service Tax.
2. All the Pr. Chief Commissioners/Chief Commissioners of Customs, Central Excise, Service Tax.
3. The webmaster, Directorate of Systems, New Delhi with the request for up-loading this letter at the CBEC website urgently under the head "Legal Affairs".

Sir/Madam,

**Subject: Need for passing of quality orders by Commissioners(Appeals)- reg.**

The pendency of cases with Commissioner (Appeals) was reviewed wherein it was observed that the success rate of revenue at the stage of Commissioner (Appeals) is very low. One of the major reasons for this low success rate appears to be the blatantly pro-revenue orders passed by the Commissioner (Appeals). Revenue Secretary has expressed his concern as such a situation leads to un-necessary and frivolous litigation before higher fora.

2. In this regard, attention is invited to Board's Circular No.88505/2009-CX dated 30.04.2009 which requires Commissioner (Appeals) to decide 70 cases per month. In view of the concern as raised above, all Commissioner (Appeals) who are performing the role of quasi-judicial authorities need to be sensitive in discharging their duties and expected to pass judicious and quality orders which can stand scrutiny of law before the higher fora. They should not pass orders in a routine manner especially when legal points involved in a case are well settled and there is a strong possibility of order passed by them getting reversed/rejected by the higher forum. They need to desist from passing frivolous order and must keep in mind that their role is not only to decide the cases pending before them expeditiously but also to ensure that the orders passed are judicious based on sound principles of law, which can stand scrutiny of the Tribunal/Courts. This would also be in tune with Govt.'s intentions reflected in the National Litigation Policy, which envisages curb on unwanted litigation.

Yours faithfully,



(Y.S.Karoo)

Under Secretary to the Govt. of India  
Tel.No.26195406

Copy to: 1. JS(Customs), JS(Review)/Com. (Cus. & EP.)/Com.(CX.)/Com.(ST)/Com.(DLA), CBEC.