

F.No. 278A/25/2016-Legal
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs
(Legal Cell)

5th Floor, 'C' Wing, Hudco Vishala Building,
Bhikaji Cama Place, R.K. Puram,
New Delhi dated 11.5.2016

To,

1. All the Chief Commissioners of Customs/Central Excise/Service Tax
2. DGDRI/DGCEI
3. < webmaster.cbec@icegate.gov.in>; Webmaster, CBEC

Subject:- Measures to be taken for equitable distribution of cases among the Sr/Jr Standing Counsels and Special Public Prosecutors (SPPs) conducting CBEC cases at different fora - reg.

Sir/Madam,

I am directed to refer to the Board's letter No. 278A/43/2007-Legal dated 5.12.2007 regarding guidelines to appoint Sr./Jr. Standing Counsels to handle the litigation of Indirect taxation before the various High Courts/Tribunal/BIFR/AAIFR/DRT and other statutory bodies/authorities and also to regulate their terms and conditions of engagement. Board's Instruction F.No. 278A/54/2015-Legal dated 29.2.2016 regarding procedure for selection of Special Public Prosecutors (SPPs) also refers. As per para '4' of Instructions dated 29.2.2016, the concerned Chief Commissioner will ensure equitable distribution of work load to all SPPs in his jurisdiction.

2. In this regard it has come to the notice of the Board that there is an uneven distribution of cases among the Sr./Jr. Standing Counsels as well as SPPs at some zones/places. It is noticed that at some places most of the cases have been allocated to particular Counsel, while the other Counsels are not assigned a single case or have been assigned very few cases by the concerned authorities. Such inequitable distribution of cases among the Counsels engaged by the Department is not desirable as it affects the quality of the litigation work as some Counsels would be overburdened while others will not have much work. Further, it is difficult to gauge the performance of the Sr./Jr. Standing Counsels/SPPs on panel, if very few/nil cases are assigned to them.

3. Hence, you are requested to ensure that there is a proper and equal distribution of cases among the Sr./Jr. Standing Counsels and the SPPs for effective utilization of their services.

Yours faithfully



(Y.S. Karo)

Under Secretary to the Government of India

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