

MOST URGENT

F.No.278/M-52/2003-ITJ(Pt.)
Government of India
Ministry of Finance
(Department of Revenue)
Central Board of Direct Taxes

New Delhi, the 8th November, 2017

To,

All Pr. Chief Commissioners of Income Tax,

Subject:- Issue regarding representation before the benches of National Company Law Tribunal(NCLT) – reg.

Sir/Madam,

Kindly refer to the above.

2. On June 01,2016, the Ministry of Corporate Affairs(MCA) published a notification regarding the constitution of National Company Law Tribunal (NCLT) and National Company Law Appellate Tribunal(NCLAT). The setting up of the NCLT and NCLAT are part of the efforts to move to a regime of faster resolution of corporate disputes and to pave way for the faster implementation of the bankruptcy code. Under the new “Insolvency and Bankruptcy Code” 2016, 11 Benches of NCLT at New Delhi (Principal and Delhi Bench), Ahmedabad, Allahabad, Bengaluru, Chandigarh, Chennai, Guwahati, Hyderabad, Kolkata and Mumbai have been established. Further, an appellate body, NCLAT, with Pan- India Jurisdiction has also been established at Delhi.

3. It has come to notice, that many cases are going unrepresented before NCLT and for which, recently the President of NCLT, Hon’ble Justice Shri M.M. Kumar has also expressed his displeasure.

4. Kindly find enclosed the list of NCLT benches detailing the territorial jurisdiction of the said benches. It is seen that for many benches a single

NCLT bench is covering the territorial jurisdiction of more than one PrCCIT region.

5. Since cases are going unrepresented before NCLT, the task of representing before NCLT may be immediately assigned to Counsels out of the existing empanelled Senior Standing Counsels in your region. In case of a PCCIT region where the NCLT bench is not situated in the region, the said PCCIT will ensure representation before NCLT by coordinating with the PCCIT in whose jurisdiction the NCLT bench is situated. It may further be noted, that if there is no Senior Standing Counsel for any region, Junior Counsels may be requested to represent the cases before NCLT. Further, the requirement of empanelling Senior Standing Counsels in the region may be examined vis-a vis pendency before NCLT and if required, a proposal for the same may be sent to the Board, in accordance with the Board's Instruction No.7/2016 dated 7.9.2016 read with letter F.No.279/Misc/M-77/2011-ITJ(Part-3) dated 17.10.2017. (copy enclosed)


6. The PCCIT in whose jurisdiction the NCLT bench is situated shall obtain details of pending Income tax matters, from the registry of NCLT Bench forthwith and keep updating the same to ensure that such cases do not go unrepresented. Such details of pending cases obtained by the PCCIT where the bench is situated, shall be communicated to other PCCIT regions, covered by the said bench to ensure representation.

7. A Compliance Report in this regard may be sent to the Board by 20/11/2017.

This issues with the approval of Member(A&J), C.B.D.T.

Yours faithfully,

Encl: As above


(Aashwita Lal)
DCIT(OSD)-ITJ-II
Telephone No. 26882637

Copy to:-

Data Base Cell with a request to upload on irsofficersonline.

NATIONAL COMPANY LAW TRIBUNAL BENCHES

1	(a) National Company Law Tribunal, Principal Bench. (b) National Company Law Tribunal, New Delhi Bench.	New Delhi	(1) State of Rajasthan. (2) Union territory of Delhi.
2	(a) National Company Law Tribunal, Ahmedabad Bench.	Ahmedabad	(1) State of Gujarat. (2) State of Madhya Pradesh. (3) Union territory of Dadra and Nagar Haveli. (4) Union territory of Daman and Diu.
3	National Company Law Tribunal, Allahabad Bench.	Allahabad	(1) State of Uttar Pradesh. (2) State of Uttarakhand.
4	National Company Law Tribunal, Bengaluru Bench.	Bengaluru	(1) State of Karnataka.
5	National Company Law Tribunal, Chandigarh Bench.	Chandigarh	(1) State of Himachal Pradesh. (2) State of Jammu and Kashmir. (3) State of Punjab. (4) Union territory of Chandigarh. (5) State of Haryana.
6	National Company Law Tribunal, Chennai Bench.	Chennai	(1) State of Kerala. (2) State of Tamil Nadu. (3) Union territory of Lakshadweep. (4) Union territory of Puducherry.
7	National Company Law Tribunal, Guwahati Bench.	Guwahati	(1) State of Arunachal Pradesh. (2) State of Assam. (3) State of Manipur. (4) State of Mizoram. (5) State of Meghalaya. (6) State of Nagaland. (7) State of Sikkim. (8) State of Tripura.
8	National Company Law Tribunal, Hyderabad Bench.	Hyderabad	(1) State of Andhra Pradesh. (2) State of Telangana.
9	National Company Law Tribunal, Kolkata Bench.	Kolkata Bench	(1) State of Bihar. (2) State of Jharkhand. (3) State of Odisha.

			(4) State of West Bengal. (5) Union territory of Andaman and Nicobar Islands.
10	National Company Law Tribunal, Mumbai Bench.	Mumbai Bench	(1) State of Chhattisgarh. (2) State of Goa. (3) State of Maharashtra.

URGENT

F.No. 279/Misc/ M-77/2011-ITJ(Part-3)
Government of India
Ministry of Finance
Department of Revenue
Central Board of Direct Taxes

New Delhi, the 17th October, 2017
Room No.276, Hotel Samrat,
Kautilya Marg, New Delhi-110021

To
All Principal Chief Commissioners of Income Tax

Subject: **Representation of Ministry of Law & Justice in the Screening Committee - reg**

Madam/Sir,

Special Public Prosecutors and Jr/Sr Standing Counsels to represent the Income Tax Department are being engaged/appointed as per Instruction Nos 6/2016 & 7/2016 dated 07.09.2016 respectively. Instruction No 6/2016 for the empanelment of SPPs was amended vide Modification dated 20.02.2017 with respect to representation of MOLJ in Screening Committee in Delhi, Mumbai, Chennai, Kolkata and Bangalore. Instruction No.7/2016 regarding empanelment of Jr/Sr Standing Counsels already had that provision.

2. M/o Law & Justice has however repeatedly been requesting that a Joint Secretary level officer from MOLJ shall be requested to be part of the Screening Committee in each and every zone. Necessary modification in the aforementioned instructions in this regard is under consideration in the Board at present.

3. In view of the above it is requested that representation of M/o Law & Justice in all the Screening Committees proposed to be constituted, may be ensured.

4. This issues with the approval of Member (A&J).

Yours faithfully

Aashwita Lal
(Aashwita Lal)
DCIT/OSD(Judl.II)
Tele: 26882637

Copy to:
The Database Cell with a request to upload it on irsofficersonline.gov.in

Issued
03/10/17