

F.NO. 390/16/2000
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs

New Delhi, the 18th February, 2000

Subject: - Committee on Disputes between Govt. and PSUs -Proforma for Forwarding Proposals revised

As you are aware clearance of the High Power Committee in the cabinet Secretariat is required to be obtained by Public Sector Undertaking for pursuing litigation in respect of dispute between Government Department and other PSUs.

Reference is invited in this regard to Board's F.No. 390/140/93-JC (Cir.No. 27/27/94-CX.dt.2.3.94 and 390/257/96-JC dt. 19.11.96 wherein instructions were issued requiring the Commissioners to forward self-contained proposals in the prescribed proforma to Member (L&J) enclosing copies of relevant documents viz. Order-in-Original, Order- in-Appeal, Memorandum of Appeal etc; immediately after filing of appeal for obtaining the clearance of the committee.

The Cabinet Secretariat has now revised the proforma for forwarding the proposals to the High Power Committee. A copy of letter C.No. 1/126/6-M/99-LC dt. 4.1.2000 issued in this connection is enclosed herewith. Henceforth Commissioners may forward proposals in the revised proforma with all relevant enclosures such as O-in-O, O-in-A, Memorandum of Appeal etc. (12sets) to Member (L&J) immediately after filing of the appeal, for obtaining the clearance from the High Power Committee. As such proposals are required to be sent within one month of filing the appeal etc; Commissioners are requested to ensure that all such proposals are forwarded to Member (L&J) within one week of filing the appeal. It may please be noted that this instruction would apply to Reference Application cases also, as communicated in Board's F.No. 390/17/99-JC (PF) dt.3.3.99.

Enclosure:

**Copy of Cabinet Secretariat Letter No.126/6-M/1999-LC dt. 4.1.2000
With proforma**

Office Memorandum

Subject : Proforma for making a reference to the High Power Committee (Committee on Disputes) set up in pursuance of the Orders of the Hon'ble Supreme Court dated 11.10.91-matter regarding. The undersigned is directed to refer to this Secretariat O.M.No.53/3/10/94 -Cab (LC) dt. 24th January 1994 and 21st March'95 indicating, inter-alia, the procedure for making reference to the Committee on Dispute and to say that henceforth, the reference to the Committee may please be made in the revised **proforma as annexed**. A reference not conforming to the prescribed proforma is liable to be returned for necessary modification/correction. Further, the reference to the Committee should have the approval of the Secretary, if the appellant is Ministry/Department of Government of India and of the Chief Executive Officer, if the appellant is Public Sector Undertaking of the Central Government.

Annexure to

O.M.No. 1/126/1-M/1999-LC dt. 4.1.2000

Proforma for making Reference to the High Power Committee set up in the Cabinet Secretariat in Pursuance of the order of the Hon. Supreme Court dated 11.10.91 for Authorising Public Sector Undertaking/Ministries to Initiate/Pursue Litigation in Court/Tribunal

1. Parties to the dispute
2. (a) Name of the Court/Tribunal where the appeal is to :
be filed/is pending.

(b) Subject matter of the dispute (not exceeding 25 words) :

© Amount involved :

3. (a) (i) number and date of the order-appealed/to be appealed against. :

(ii) Name of the quasi-judicial authority which passed the order :

(iii) the order-appealed against in brief (copy of the order also to be enclosed).

(b) any other documents referred to in support of the claim, need :
not be annexed. However, it may be produced in the meeting

of the Committee.

© in the event of the reference being of deferred cases, it should : reflect the reason for deferment, the action taken in pursuant to the direction of the Committee and justification for resubmission of the matter for the consideration of the Committee.

4. (a) Date on which, the reference is made to the Committee and the: relevant documents, sent to the respondent i.e. CBEC/CBDT/any other party to the dispute.

(b) Is the reference submitted within one month of filing appeal in the: yes/no Court/Tribunal (refer to Supreme Court order dt. 7.1.94)

© If No, the reasons thereof

5. Background of the dispute (not exceeding one page)-it shall include the question of fact or of law involved in the dispute with brief description of the issues involved.

6. The reference has the approval of Secretary/CE

7. Any other issue considered relevant to the case