

F.No. 385/04/2018-IT(Budget)
Government of India/ भारत सरकार
Ministry of Finance/ वित्त मंत्रालय
Department of Revenue/(राजस्व विभाग)
Central Board of Direct Taxes/(केन्द्रीय प्रत्यक्ष कर बोर्ड)

North Block, New Delhi
16th January, 2018

OFFICE MEMORANDUM

Subject: Decentralization of handling of cases under Insolvency & Bankruptcy Code 2016- regarding.

The undersigned is directed to say that by virtue of implementation of Insolvency & Bankruptcy Code (IBC) 2016 after the repeal of erstwhile Sick Industrial Companies Act (SICA), The necessity to decentralize handling of cases at the level of field formations has been felt as 11 National Company Law Tribunal (NCLT) benches having territorial jurisdiction across the country and the National Company Law Appellate Tribunal (NCLAT) at Delhi with pan India jurisdiction have been created under IBC. Such an arrangement has been part of the efforts to move towards a regime of faster resolution of corporate disputes and to pave the way for faster implementation of the bankruptcy code. The processes under IBC are time bound and require inputs and facts available with the field formations within the specified time frame. IBC also requires effective representation before the NCLT benches for which Pr. CCITs have been authorized to assign cases to the counsels out of the existing panel vide Board's letter F.No. 278/M-52/2003-ITJ (Pt.) dated. 08.11.2017. Accordingly, it has been decided that the cases under IBC and those under erstwhile SICA shall be decentralized from the Directorate of Recovery to the jurisdictional Pr. CCsIT.

2. The undersigned is further directed to say that the Pr. CCIT/CCIT concerned will now handle all the matters under Insolvency & Bankruptcy Code 2016 (IB Code 2016) & under erstwhile SICA in respect of assessees under their jurisdiction. In this context, Pr. CCIT/CCIT concerned is authorized to defend the cases of revenue under I.B. Code, 2016 and erstwhile SICA and any input in this regard, would be provided by them to Sr. Standing Counsel engaged for defending the cases of revenue. Henceforth, the matters relating to erstwhile SICA including the litigations before HCs/NCLT/NCLAT etc. stand decentralized to the respective field formations including the following matters;

i) Matters and processes related to pending writ petitions under erstwhile SICA and IB Code 2016 shall be handled by respective Pr. CCIT/CCIT concerned.

*Sh. Pradyumn
Member Board
Dr. Kestup
Pl. circulate the letter
Pr. CCIT, Ghatampur
T. 1/16/18*

आयकर निदेशालय (वसुधी र टी.डी.एस.)
भयूर भवन, नई दिल्ली
17 JAN 2018
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ii) In certain erstwhile BIFR matters, writs were filed in Delhi though assessee's registered offices were elsewhere. Such matters shall be transferred to the Pr. CCIT concerned under intimation to Pr. CCIT, Delhi. The Pr. CCIT, Delhi, who has been entrusted with the task of representation and providing Sr. Standing Counsel in NCLAT, shall also handle all processes with reference to such writs filed in Delhi. The inputs on such matters shall be provided & validated by respective Pr. CCIT/CCIT including rejoinder affidavits etc.

iii) All legal processes, including matters relating to sanctioned schemes, pending or otherwise, being handled by Pr. DGIT (Admn & TPS) / DIT (Recovery & TDS) under erstwhile SICA & IB Code 2016 shall be handled by the respective Pr. CCIT/CCIT having assessment jurisdiction over the case.

iv) Matters relating to the NCLAT shall be handled by respective Pr. CCIT/CCIT having assessment jurisdiction over the cases/entities in consultation with respective Sr. Standing Counsel. The inputs on such matters shall be provided/validated by respective Pr. CCIT/CCIT including rejoinder affidavits etc. in coordination with Standing Counsel engaged for representation before NCLAT by Pr. CCIT, Delhi

3. The ADG (Recovery & TDS) shall forthwith provide shadow files of all pending matters and litigation matters to respective Pr. CCIT/CCIT exercising assessment jurisdiction over the cases to complete the realignment processes.

4. This issues with the approval of Member (Revenue & TPS), CBDT. Member (Audit & Judicial), CBDT has also concurred the proposal.


(Sandeep Singh)

Under Secretary to the Govt. of India

Tele: 23094182

To,

All the Pr. CCsIT/CCsIT
Pr. DGsIT/DGsIT

Copy to: -

1. ADG (Recovery), Directorate of Income-tax, Recovery and TDS.
2. Commissioner (A&J), CBDT