

**F No279/Misc/33/2014-ITJ
Government of India
Ministry of Finance
Department of Revenue
Central Board of Direct Taxes**

To

✓ **All Principal Chief Commissioners of Income-tax**

Subject: Allocation of work to Commissioner of Income-tax (Judicial)-Reg-

Madam/Sir,

Consequent upon cadre restructuring of the Income-tax Department and creation of posts of Commissioner of Income-tax (Judicial) at four (4) major cities namely Ahmedabad, Hyderabad, Bengaluru and Pune in addition to the existing four posts of CIT (J) at the four metro cities namely Mumbai, Delhi, Kolkata and Chennai, it has become necessary and expedient to specify the work jurisdiction and role of CIT (J). Accordingly and in supersession of the existing Instruction No 4 dated 07/05/2002 through F No 277/109/2001- ITJ, the CBDT vide this instruction has defined the work jurisdiction of CIT (J) as mentioned below with immediate effect:

(A) Work Jurisdiction of CIT (J)

The CIT (J) shall be the nodal office for all matters, including but not limited to those mentioned in Part (C) below, relating to the jurisdictional High Court as also co-ordination with counterparts for other High Court/s. He shall be responsible for ensuring that the Departmental view regarding the interpretation of the Income-tax Act, 1961 is enforced uniformly and coherently within the jurisdiction of the respective Region.

(B) Structure:

The CIT (J) at Stations mentioned in Col (1) below will be in-charge of all judicial matters falling within the territorial jurisdiction of the Income-tax Authority mentioned in Col (2) below:

Station (1)	Income-tax Authority (2)
Ahmedabad	Pr CCIT, Gujarat

Bengaluru	Pr CCIT, Karnataka and Goa
Chennai	Pr CCIT, Tamil Nadu
Delhi	Pr CCIT, Delhi
Hyderabad	Pr CCIT, Andhra Pradesh & Telangana State
Kolkata	Pr CCIT, West Bengal and Sikkim
Mumbai	Pr CCIT, Mumbai
Pune	Pr CCIT, Pune

The High Court Cell in respect of these regions will be under the administrative control of CIT (J) of that Region in partial modification of Instruction no 1957 dated 22.01.1998.

(C) Work Domain:

- i) The administrative decision to file appeal before High Court will vest in respective CIT/PCIT/CCIT. Based on the NJRS and other available databases, the CIT (J) shall ensure that there is uniformity in the Departmental stand on a particular issue. In case of any contradiction on any issue between various regions, the matter shall be referred to Board.
- ii) CIT (J) shall also be responsible for identification of cases for bunching of appeals before the High Court/s based on the available databank.
- iii) CIT (J) shall be responsible for dissemination of settled judicial view based on important decisions of jurisdictional High Court and Supreme Court to the field formation in the Pr. CCIT Region on quarterly basis. For this, the CIT (J) will also co-ordinate with the Pr.DGIT (L&R) to obtain information of cases where Department has accepted a Court's decision. Similar exercise for dissemination amongst Officers of the Charge and other CsIT (J) and CCIT Charges may also be undertaken for prosecution orders.
- iv) CIT (J) shall be responsible for processing of Central Scrutiny Reports (CSRs) received from the respective Pr. CsIT/CsIT. Soft copy of the CSR/ appeal folder shall be sent to the CIT (J) electronically as soon as the physical file has been signed by the PCIT/CIT. A physical copy/ file would have to be sent to CIT (J) but this system of sending CSRs/ appeal proposal in physical form has to be discontinued once NJRS and ITBA are fully functional. After receipt of the CSR/s, the CIT (J) shall examine, inter alia, whether the appeal proposed is in accordance with the existing instructions, whether the grounds of appeal are suitably framed and whether they are in conformity with the Departmental position/view on the legal issues. In case of any defect/ error, the same shall be recorded

in the proposal received by him from the PCIT/CIT concerned before sending the file to the CCIT/ panel of CCsIT. This entire process should be as per the Time Lines given in Annexure-A. For this, the CIT (J) shall be part of the work flow of processing of CSRs in ITBA.

- v) The actual filing of appeals before the High Court shall remain the responsibility of the jurisdictional PCIT/CIT. Any work after filing of appeal before the High Court would be monitored by the CIT (J). Any information required by the High Court would be made available to the Court by the concerned PCIT/CIT. CIT (J) shall act as a link between the Court and the PCIT/CIT. CIT (J) will also ensure that at least one official is present in the Court at the time of hearing, for taking down instructions.
- vi) CIT (J) shall be made part of the Screening Committee and the office of CIT (J) will provide secretarial assistance to the Screening Committee for engagement of Standing Counsels and Prosecution Counsels. Review of performance of the counsels is primarily the responsibility of PCsIT/CsIT. CIT (J) shall be responsible for assisting the PCIT/CIT in the work of reviewing and evaluating their performance. He will also maintain a roster to ensure uniform work allocation to all Counsels, hold regular meetings with the Counsels and act as a communication channel to co-ordinate between the Counsels and the Department.
- vii) Information about writ petitions filed by the assesseees/ taxpayers will be passed on to the CIT (J) through the PCCIT/CCIT/PCIT/CIT.
- viii) CIT (J) shall also maintain database of prosecution cases in the format given in Annexure-B.
- ix) CIT (J) shall be made part of the Regional Technical Committee (RTC) and the office of CIT (J) will provide secretarial assistance to the RTCs. He has to ensure that RTC meets regularly and makes references to Central Technical Committee (CTC) on matters as deemed fit.
- x) CIT (J) will ensure that appeal files are provided for scanning at the Regional Scanning Centers expeditiously after filing of the appeals in the Court registry along with the diary/lodging numbers.
- xi) He shall also be responsible for collation and onward submission of Judicial/ appeal/ prosecution related reports to authorities concerned.

(D) Implementation Schedule:

The Instruction shall come into force with immediate effect with following exceptions:-

I. In Delhi and Mumbai Region:

(i) Only cases of PCsIT/CsIT having jurisdiction over corporate assesseees/ taxpayers should be sent to the CIT (J) for further processing. In remaining charges in these Regions, the system would continue whereby the CSRs would move from PCsIT/CsIT to the CCIT/ panel of CCsIT for approval. This practice would be reviewed in due course.

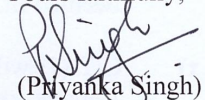
(ii) For the first year, all the ITAT orders should be centrally received in the office of CIT (J), till jurisdiction issues are stabilized, after which this practice will be reviewed. Every effort should be made to despatch the orders to the jurisdictional PCIT/CIT within one working day of their receipt in CIT (J) office.

II. Till the time ITBA is rolled out with CIT (J)'s functionality in the work flow of processing of CSRs, this function of processing of CSRs in the office of CIT (J) should be implemented only in same station charges where the CIT (J) is headquartered. For example, CIT (J) Ahmedabad would carry out this function only for CCs/DGsIT in Ahmedabad till the time ITBA is rolled out, after which this function shall be carried out for the entire region. Similarly, CIT (J), Bengaluru shall carry out this function in respect of CCsIT/DGsIT in Bengaluru till the time ITBA is rolled out, after which this function shall be carried out for the entire region. This is in view of the fact that in all Regions (barring Delhi and Mumbai), carrying out this function would face practical difficulties in the movement of physical files from one place to the headquarters of CIT (J). After the roll-out of ITBA and online processing of CSRs, this problem will be resolved.

2. All the functions of CIT (J) will be performed by Addl. CIT (J)/ (Technical)/ Co-ordination in the O/o Pr.CCIT in the Pr. CCIT regions where the post of CIT (J) has not been created.

3. Pr CCsIT have to ensure that the institution of CIT (J) functions on the framework provided above. Necessary manpower and infrastructure may be provided for the purpose. The CIT (J) shall also maintain database in the given format (Annexure-C and Annexure C1).

Yours faithfully,


(Priyanka Singh)

Under Secretary to the Govt. of India

Copy to:

1. The Chairperson, Members and all other officers in CBDT of the rank of Under Secretary and above.
2. DIT (PR, PP & OL), Mayur Bhawan, New Delhi for printing in the quarterly Tax Bulletin and for circulation as per usual mailing list.
3. The Comptroller and Auditor General of India
4. The Joint Secretary & Legal Advisor, Ministry of Law & Justice, New Delhi
5. ITCC (3 copies)
6. NIC, M/o Finance for uploading on the Department's website.
7. Hindi Cell for translation
8. Guard file.

Under Secretary to the Govt. of India

Annexure A

Time Line for filling of appeals in the High Court

S.No.	Stages	No of Days	Total Time
1	Receipt of Appeal order in the office of PCIT/CIT	0 Day	0 Day
2	Entry in relevant register & linking with old appeal folder of the case from where appeal to ITAT was authorized	1 Day	1 Day
3	Sending the order to AO for necessary action along with a copy to Range Head	2 Days	3 Days
4	Submission of CSR in the prescribed proforma by AO to Range Head after giving appeal effect	30 days	33 Days
5	Submission of CSR by Range Head to PCIT/CIT	10 Days	43 Days
6	Decision making by the PCIT/CIT including consultation with the Sr. Standing counsel, if required and submission to CIT (J)	15 Days	58 Days
7	Processing in the O/o CIT (J)	7 days	65 days
8	Approval by CCIT/ where panel of CCIT-Jurisdictional CCIT(4 days)/Other CCIT(3days)	7 days	72 days
9	In case of disagreement, file to be put up to Pr CCIT. Decision of PCCIT	3 days	75 days
10	Sending file to CIT (J) who will in turn send it to the PCIT/CIT after retaining a dummy folder of the original appeal folder	3 days	78 days
11	Sending appeal folder to the Standing Counsel by PCIT/CIT for drafting appeal memo	2 Days	80 Days
12	Drafting of Appeal memorandum by the Counsel and return to PCIT/CIT	20 Days	100 Days
13	Vetting/ preparation of sets with annexure in the o/o Pr.CIT and sending it back to the Standing Counsel for filing	15 Days	115 Days
14	Actual filing in the HC registry	3 Days	118 Days
15	Intimation of Diary/Lodging No to the O/o CIT/ CIT(J) /HC cell along with copy of the appeal memo	2 Days	120 Days

Annexure-B

Complaint No with Date of filing	Name of the Complainant Officer with Civil List No/ Disposition List No	Name of the person against whom complaint filed with its latest jurisdiction	AY/ FY	PAN of the person mentioned in Col (3)	Section under which complaint filed	Name of the Court in which complaint filed	Date of Compounding Petition, if any	Date of disposal of Compounding Petition	Compounding Fees paid	Date of disposal of the Complaint	Date of filing of further appeal, if any, before HC/SC with reference number
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

Annexure-C

ITA No. (ITAT)	Name of Assessee	AY	PAN	Section	Question of law	Tax Effect	*Reasons for acceptance/Non acceptance by Board/CCIT/CIT	ITA No./Lodging No./ Appeal No. (HC)	Question of Law in HC
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

*The reasons should invariably include following details:

- Whether the interpretation has been accepted on merit (see the CSR from the PCIT/CIT)
- Whether appeal has not been filed due to low tax effect.
- Whether the issue is recurring in nature.
- Decision of jurisdictional High Court/ Other High Courts/ Supreme Court if any in favor of Revenue.

Similar database may also be maintained for questions of law decided by the High Court and further follow-up action as below and for this purpose the office of CIT (J) should co-ordinate with the o/o PDGIT (L&R)

Annexure-C1

ITA No. (HC)	Name of Assessee	AY	PAN	Section	Question of law	Tax Effect	*Reasons for acceptance/Non acceptance by Board	ITA No./Lodging No./ Appeal No. (SC)	Question of Law in SC
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

*The reasons should invariably include following details:

- Whether the interpretation of High Court has been accepted on merit (see the CSR from the PCIT/CIT)
- Whether appeal has not been filed due to low tax effect.
- Whether the issue is recurring in nature.
- Decision of jurisdictional High Court/ Other High Courts/ Supreme Court if any in favor of Revenue.