



माल एवं सेवा कर (जी.एस.टी.) के आयुक्त का कार्यालय
OFFICE OF THE COMMISSIONER OF GOODS AND SERVICES TAX (GST)

एन-5 टाऊन सेंटर, सिडको, औरंगाबाद – 431003

N-5 TOWN CENTRE, CIDCO, AURANGABAD – 431 003

दूरभाष / Phone : 0240-2484975 फ़ैक्स / FAX : 0240-2483303

वैबसाइट/Website : <http://www.centralexciseaurangabad.gov.in> ई-मेल / e-mail : cexauran@excise.nic.in

Aurangabad, the 28-02-2025

To,
The Assistant Commissioner(CCO),
CGST & Central Excise,
Nagpur Zone,
Nagpur.

Sir,

Sub : - Publication of Public Notice & Advertisement -- Reg..

Please find enclosed herewith a copy of Advertisement & Press Note for inviting application from eligible candidates for constituting an appointment/re-appointment of Special Public Prosecutors (SPPs) to handle cases related to Indirect Taxes, Chhatrapati Sambhajnagar (earlier Aurangabad) Commissionerate before the Subordinate courts/ Courts of session and High Court anywhere in the districts of Marathawada Region in terms of Instructions /Guidelines issued by the Indirect Taxation & Customs, New Delhi vide CBEC letter F.No. 278A/82/2008-Legal dated 25.05.2010, F.No. 278A/25/2015-Legal dated 29.02.2016 and Section 18(8), BNSS 2023.

In this connection, it is requested to make arrangement to upload the said advertisement alongwith above mentioned CBEC letters on the official website of Nagpur Zone i.e. www.cgstnagpur.gov.in.

Encl. :- As above

Yours faithfully,

Signed by Gopal Majhi

Date: 28-02-2025 17:34:07

Superintendent (Sys.)
CGST & Central Excise
Aurangabad



माल एवं सेवा कर (जी.एस.टी.) के आयुक्त का कार्यालय
OFFICE OF THE COMMISSIONER OF GOODS AND SERVICES TAX (GST)
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वेबसाइट/Website : <http://www.centralexciseaurangabad.gov.in> ई-मेल / e-mail : cexauran@excise.nic.in

PUBLIC NOTICE

This office is in the process of constituting an Appointment/re-appointment of Special Public Prosecutors for handling CBIC cases before the Subordinate Courts, session Courts and High Court under Nagpur Zone, where in the district of Marathawada Region in terms of Instructions / Guidelines issued by the government of India, Ministry of Finance, Department of Revenue, Central Board of Indirect Taxation & Customs, New Delhi vide F.No.278A/25/2017-Legal dated 29.02.2016 and Section 18(8), BNSS 2023. All the willing advocates / other eligible persons are requested to submit their application in Proforma 'A' alongwith all relevant documents to the undersigned **on or before 12.03.2025 via Physical mode/ Speed post / Email ID legalcell123@rediffmail.com**. For details please visit website www.cgstnagpur.gov.in or may contact on telephone no. 0240-2484975 / (Extension no. 204/246) during office hours.

Signed by Jyoti Sunil
Daware
(Jyoti S. Daware)
Date: 28-02-2025 11:55:15
Assistant Commissioner (Legal)

By Email/Speed Post
Most Immediate

फा.सं. 278A/25/2017-लीगल/F. No.278A/25/2017-Legal
भारत सरकार/ Government of India
वित्त मंत्रालय/ Ministry of Finance
राजस्व विभाग/ Department of Revenue
केंद्रीय अप्रत्यक्ष कर और सीमा शुल्क बोर्ड/ Central Board of Indirect Taxes & Customs
लीगल सेल/ Legal Cell

5वीं मंजिल, सी विंग, हुडको-विशाला बिल्डिंग,
5th Floor, C-Wing, Hudco Vishala Building
भीकाजी कामा प्लेस, आर.के. पुरम,
Bhikaji Cama Place, R K Puram
नई दिल्ली/New Delhi-14.02.2025

To,
The Chief Commissioner of GST & Central Excise,
Post Box No. 81, Telengkhedi Road, Civil Lines,
Nagpur-440001

Subject: - Appointment/re-appointment of Special Public Prosecutors for handling CBIC cases before the Subordinate Courts, Session Courts and High Court under Nagpur Zone - reg.

Sir,

Please refer to Board's letter of even number dated 05.12.2024 and Board's Order of even number dated 08.01.2024 regarding appointment/re-appointment of Special Public Prosecutors for handling CBIC cases before the Subordinate Courts, Session Courts and High Court under Nagpur Zone. The said order dated 08.01.2024 will be expiring on 07.07.2025.


2. In this regard, it is observed earlier at many occasions that proposals are not receiving well in advanced, sometimes they received after expiry of the existing panels. Which leads to the Department in the position to unrepresented at the various Hon'ble Courts and get embarrassed. The higher authorities in the Board are taking it very seriously.

3. It is, therefore, requested to send the proposal afresh on well in time to avoid last minute rush in terms of Board's instruction dated 25.05.2010 (copy enclosed) read with instruction 29.02.2016 (copy available on CBIC website) and Section 18(8), BNSS 2023 alongwith the following documents:

- (i) Copies of Advertisement/ Notice.
- (ii) Copies of Bio-data containing Contact Detail (Mobile Number & Email ID), Degree of LLB/LLM and Enrolment Certificate of recommended Advocates.
- (iii) Performance report in r/o existing SPPs.

4. The action taken in the matter so far may also be intimated.

संलग्नक: उपरोक्तानुसार

भवदीय,

(याद राम मोना)
अवर सचिव, भारत सरकार

rediffmail

Mailbox of legalcell123

Subject: Fwd: Appointment/re-appointment of Special Public Prosecutors for handling CBIC cases before the Subordinate Courts, Session Courts and High Court under Nagpur Zone - reg.

From: cexauran <cexauran@gov.in> on Fri, 14 Feb 2025 16:05:54

To: "legalcell123" <legalcell123@rediffmail.com>

1 attachment(s) - Nagpur_14.02.2025.pdf (2.46MB)

From: ccexnag@gmail.com

To: "cexauran" <cexauran@excise.nic.in>, "Central GST Nagpur-I" <commr-cexngpr1@nic.in>, "CGST Commissionerate Nagpur" <commr-cexngpr2@nic.in>, "Commissioner Customs Nagpur" <commr-customsnagpur@gov.in>, "CGST NASIK COMMISSIONERATE" <commr-cexnasik1@nic.in>, "Prashant Patil" <audit-cgst-nagpur@gov.in>, "CGST Audit Nashik" <cgstaudit-nsk@gov.in>, commappngp@gmail.com, "Commissioner Appeals CGST Nashik" <nsk-appeals@gov.in>, et1ngp2@gmail.com, aocustoms1@gmail.com, esttexnsk@gmail.com, est1ngp1@gmail.com, esttabad@gmail.com

Sent: Friday, February 14, 2025 3:31:57 PM

Subject: Fwd: Appointment/re-appointment of Special Public Prosecutors for handling CBIC cases before the Subordinate Courts, Session Courts and High Court under Nagpur Zone - reg.

With Regards,
CCO, Nagpur Zone



----- Forwarded message -----

From: CCU CGST Nagpur Zone <ccu-cexngpr@gov.in>

Date: Fri, 14 Feb 2025 at 15:21

Subject: Fwd: Appointment/re-appointment of Special Public Prosecutors for handling CBIC cases before the Subordinate Courts, Session Courts and High Court under Nagpur Zone - reg.

To: CCO Nagpur <ccexnag@gmail.com>

With Regards,

Chief Commissioner Office,
CGST & Customs,
Nagpur Zone

From: "SHALINEE SHARMA" <osd-legal@gov.in>

To: "CCU CGST Nagpur Zone" <ccu-cexngpr@nic.in>

Cc: "Gajender Prajapati" <gajender.1992@gov.in>

Sent: Friday, February 14, 2025 2:36:33 PM

Subject: Appointment/re-appointment of Special Public Prosecutors for handling CBIC cases before the Subordinate Courts, Session Courts and High Court under Nagpur Zone - reg.

Sir,
Please find attached herewith letter dated 14.02.2025 on the above mentioned subject for further necessary action.

Regards
Legal Cell, CBIC

By Email/Speed Post
Most Immediate

फा.सं. 278A/25/2017-लीगल/F. No.278A/25/2017-Legal
भारत सरकार/ Government of India
वित्त मंत्रालय/ Ministry of Finance
राजस्व विभाग/ Department of Revenue
केंद्रीय अप्रत्यक्ष कर और सीमा शुल्क बोर्ड/ Central Board of Indirect Taxes & Customs
लीगल सेल/ Legal Cell
5वीं मंजिल, सी विंग, हुडको-विशाला बिल्डिंग,
5th Floor, C-Wing, Hudco Vishala Building
भीकाजी कामा प्लेस, आर.के. पुरम,
Bhikaji Cama Place, R K Puram
नई दिल्ली/New Delhi- .12.2024

To,

The Chief Commissioner of GST & Central Excise,
Post Box No. 81, Telengkhedi Road, Civil Lines,
Nagpur-440001

Subject: - Launching of Prosecution under CGST Act, 2017 in respect of (1) Sh. Hafijullah Ajimulla Chaudhari, Proprietor of M/s Hira Steel and (2) Sh. Ajimulla Naim Chaudhar, Proprietor of M/s Maharashtra Steel Traders - reg.

Sir,

Please refer to a letter F. No. LC(P) 78/ Prosecution/Hira/2024-25/5051 dated 23.10.2024 (copy enclosed) received from O/o Commissioner of CGST & Central Excise, Nashik on the above-mentioned subject.

2. In this regard, it is requested to take appropriate action on the following points:

(i) Service of other SPPs, who were appointed vide Board's order F. No. 278A/25/2017- Legal dated 08.01.2024 (copy enclosed), may be availed for Nashik District Court.

(ii) Simultaneously, since the existing panel issued vide aforesaid Board's Order dated 08.01.2024 will be expiring on 07.07.2025, the process for a fresh proposal may be initiated well in advance.

भवदीया

संलग्नक: उपरोक्तानुसार

Signed by Shalinee Sharma
(उप. शांलिनी शर्मा)
Upadhyay
Date: 05-12-2024 12:00:44

Copy to:

Commissioner of CGST, Central Excise, Plot No. 155, Sector-P-34, NH,
Jaishtha & Vaishakh, CIDCO, Nashik-422008

O/C
Issued
09/12/24

By Email/Speed Post
Most Immediate

फा.सं. 278A/25/2017-लीगल/F. No.278A/25/2017-Legal

भारत सरकार/ Government of India

वित्त मंत्रालय/ Ministry of Finance

राजस्व विभाग/ Department of Revenue

केंद्रीय अप्रत्यक्ष कर और सीमा शुल्क बोर्ड/ Central Board of Indirect Taxes & Customs

लीगल सेल/ Legal Cell

5वीं मंजिल, सी विंग, , हुडको-विशाला बिल्डिंग,
5th Floor, C-Wing, Hudco Vishala Building
भीकाजी कामा प्लेस, आर.के. पुरम,
Bhikaji Cama Place, R K Puram
नई दिल्ली/New Delhi-08.01.2024

ORDER

The President of India is pleased to appoint/re-appoint the following Advocates as Special Public Prosecutors (SPPs) for the period specified against their names for handling CBIC cases before the Subordinate Courts, Session Courts and High Court under Nagpur Zone, CBIC, on the existing terms and conditions as per Board's instruction dated 25.05.2010 read with instruction dated 29.02.2016:

S. No.	Name of SPPs (Sh./Ms./Mrs.)	Place	Tenure	Fresh appointment/re-appointment
1	Jayant Yashvantrao Ghurde	Subordinate/Session Court of District and High Court of Bombay (Nagpur Bench) falling under the jurisdiction of Customs Commissionerate, Nagpur	18 months from the date of issue of order	Fresh appointment
2	Atul Padamkar	Subordinate/Session Court of District and High Court of Bombay (Nagpur Bench) falling under the jurisdiction of Nagpur-I Commissionerate	-do-	-do-
3	Rajat Kumar Maheshwari	-do-	-do-	-do-
4	Syed Nasiruddin	Subordinate/Session Court of District and High Court of Bombay (Nagpur Bench) falling under the jurisdiction of Nagpur-II Commissionerate	-do-	-do-
5	Girish A. Kunte	-do-	-do-	-do-
6	Shashikant Dalavi	Subordinate Courts/Courts of Session at Nashik	(i) Extension upto the date of issue of order and (ii) 18 months from the date of issue of order	Re-appointment
7	Dnyaneshwar S. Mahajan	Subordinate Courts/Courts of Session at Dhule, Nandurbar and Jalgaon	18 months from the date of issue of order	Fresh appointment
8	Subhash V. Bhor	Subordinate Courts/Courts of Session at Ahmednagar	-do-	-do-

9	Deepak Balwant Naik	Subordinate Courts/Courts of Session at Districts of Jalna, Beed, Osmanabad and Parbhani of Jalna Division of Aurangabad CGST Commissionerate	(i) Extension upto the date of issue of order and (ii) 18 months from the date of issue of order	Re-appointment
10	Mundhe Kartik Dnyoba	Subordinate Courts/Courts of Session at Districts of Aurangabad, Nanded, Latur and Hingoli of the Aurangabad Rural/Urban Division and Nanded Division of Aurangabad CGST Commissionerate	18 months from the date of issue of order	Fresh appointment

2. This issues with concurrence of the Ministry of Law & Justice (Department of Legal Affairs) vide their I.D. No. J-12013/10/2022-Judl., dated 01.01.2024.

(हस्तनर्दीना त्तिडध्या)
सहायक आयुक्त (लीगल)

Copy to :-

1. The Chief Commissioner of GST & Central Excise, Nagpur Zone.
2. The Pay and Account Officer, O/o the Chief Commissioner of GST & Central Excise, Nagpur Zone.
3. The Ministry of Law and Justice (Deptt. of Legal Affairs), Judicial Section, New Delhi with reference to their above referred I.D. No. J-12013/10/2022-Judl., dated 01.01.2024.
4. All Special Public Prosecutors (through concerned Chief Commissioner's office).
5. ✓ Guard File

Proforma-A

Particulars to be furnished by an advocate applying for appointment as Special Public Prosecutor for Subordinate Courts/ Courts of Session.....

1. Name of the Person:
2. PAN -Permanent Accounts Number:
3. Father's Name:
4. Date of Birth:
5. Phone No./Mobile No.& Email ID:
6. Address for correspondence:
7. Permanent Address:
8. *Educational Qualification(Degree of LLB/LLM and Enrolment Certificate of recommended Advocates):
9. *Date of Enrolment in District & Session Court:
10. District & Session Court to which enrolled:
11. *Date of empanelment as member of Bar Council of District & Session Court"
12. If partner in a firm, name/names of the firm and other partners:
13. *Number of cases relating to indirect taxes & NDPS cases dealt with during 3 years as an Advocate:
14. Number of cases published in Journals/ Newspaper etc.:
15. Income from professional practice (copy of the latest IT return to be attached):
16. Performance report in r/o existing SPPs.

Verification

I.....D/o S/o-----do hereby declare that what ever has stated in the above application is true to the best of my knowledge and belief.

Signature

Dated:

Place:

*Applicant to submit documentary proof with respect to aforesaid item/information.

Annexure-II

Signature (S)

Speed Post (4)

111/28A/82/2008-Legal
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs



To,

1. All Chief Commissioner of Customs, Customs (Preventive)/Central Excise
2. DGR/DGCEI

Subject:- Revision in Terms & conditions of appointment including Fees & allowances for engagement of Special Public Prosecutors (SPPs) for CBEC before Subordinate Courts/Courts of Session & High Court - regarding.

Sir/Madam,

I am directed to convey the approval of the Ministry to the revision of the present terms and conditions (including fees and allowances of Special Public Prosecutors (SPPs) for CBEC before Subordinate Courts/Courts of Session & High Court on the following lines:

2.A) Terms of Appointment/Extension of Tenure
The term of Appointment of the Special Counsel will be for a period of three years from the date he actually takes over charge. The appointment can be renewed for another terms of three years on satisfactory performance.

B) Termination of Appointment
The appointment of the counsel shall be terminated without assigning any reasons, by the Govt. or by the counsel, after giving one month's notice on either side.

C) Fees payable to the counsel

1 For cases in Districts/Sessions/Metropolitan Courts/Economic Offences Courts, etc.

Sr. No.	Type of activity	Amount Payable	Maximum amount Payable in a case
1.	Effective Hearing	Rs.1500/- per case per day	--
2.	Non-Effective Hearing	Rs.500/-	Rs.1500/-

59

- 3. For drafting written Statements, affidavit, Counter affidavit, Application, counter-reply of Application, miscellaneous Application only Rs.400/-
- 4. Clerkage fee 10% of the fee at Sr. No.1 to 3 above

NOTE: 'Effective hearing' means a hearing in which either one or both the parties involved in a case are heard by the Court. If the case is mentioned and adjourned or only directions are given, or only judgment is delivered by the Court, it would not constitute an effective hearing but will be termed as 'non-effective hearing'.

II. For cases before High Court

Sr. No.	Type of activity	Amount Payable	Maximum amount Payable in a case
1.	Effective Hearing	<u>Rs.3000/-</u> per case	--
2.	Non-Effective Hearing	Rs.1000/-	Rs.3000/-

- 3. For drafting written Statements, affidavit, Counter affidavit, Application, counter-reply of Application, miscellaneous Application only Rs.500/-
- 4. Clerkage fee 10% of the fee at Sr. No.1 to 3 above

NOTE: 'Effective hearing' means a hearing in which either one or both the parties involved in a case are heard by the Court. If the case is mentioned and adjourned or only directions are given, or only judgment is delivered by the Court, it would not constitute an effective hearing but will be termed as 'non-effective hearing'.

III. Other Fee & Allowances - Applicable for all Courts

(i) **Out of Headquarters:** When the counsel is required to go out of headquarters in connection with any litigation matter eg for conference with the law officer or for appearance in any court out side the Headquarters, he will be entitled to daily fee of Rs.400/- per days of his absence from the headquarters including the day of departure including holidays and till his arrival back at the headquarters. However no fee will be paid for the days of departure if he leaves headquarters after court hours and for the date of arrival if he arrives at the headquarters before the commencement of the court hours.

(ii) Travel/Hotel expenses: In addition to the daily fee the counsel will be entitled to travel expenses for travel by 1 class/AC II tire by train or at prescribed rates for taxi when the journey is actually perform by taxi/own car (as per SR 46, TA rules) in case of road journey. He will also be paid a lump-sum amount of Rs.200/- as conveyance charges for performing local journey while going out side headquarters by train on air. He will be entitled to actual expenses for stay in hotel subject to a maximum of Rs.400/- per day.

(iii) A consolidated fee of Rs.800/- shall be payable for drafting Criminal Revision Application/Miscellaneous criminal applications.

(iv) No fee will be payable to the counsel if an advance notice about the adjournment has been issued or the case has been adjourned at his request due to the reasons personal to him.

(v) For written opinion on any legal matter not relating directly to any of his entrusted court cases, the counsel shall be entitled to a fee of Rs.1000/-.

(vi) The amount required for court fees at the time of filing a case and other miscellaneous expenses would be paid to the Counsel on actuals. An account of the expenses incurred should be rendered to the concerned office of Customs/Central Excise/Directorate of Revenue Intelligence/Central Excise Intelligence who have assigned the case while presenting the final bill.

(vii) The 25% of the fee payable to the Counsel shall be deducted if the certified copy of the judgment in cases of acquittal is not handed over to the Concerned office of Customs/Central Excise/Directorate of Revenue Intelligence/Central Excise Intelligence within ten days (excluding the time taken by the Courts) from the date of the judgment for ensuring speedy disposal of such cases.

3. The appointment of aforesaid advocates as Special Prosecutors shall be subject to the following terms & conditions:

- (a) The Counsel will not be paid any retainer/monthly remuneration.
- (b) The Counsel shall maintain a record of all the cases entrusted to him pending with or before the Sessions Court/Special Court.
- (c) The Counsel shall appear in the Sessions Court/Special Court, wherever the trial is going on in which he is appointed.
- (d) The Counsel shall attend to the preparations of paper books and the completion of record of all cases.
- (e) The Counsel shall render all assistance to the officers of the Customs/Central Excise/Directorate of Revenue Intelligence/Central Excise Intelligence.

- (f) The Counsel, shall inform sufficiently well in advance the dates and proceedings of all hearings of such cases to concerned office of the Customs/Central Excise/Directorate of Revenue Intelligence/Central Excise Intelligence.
- (g) The Counsel shall keep himself acquainted with the facts of the case and receive instructions from the officers of the Customs/Central Excise/Directorate of Revenue Intelligence/Central Excise Intelligence.
- (h) The Counsel shall obtain uncertified/certified copies of all judgments from the trial courts in all cases and forward them to the concerned officers of Customs/Central Excise/Directorate of Revenue Intelligence/Central Excise Intelligence. He should also send his comments on the judgment/order passed by the court suggesting further course of action, where required.
- (i) The Counsel shall inform important developments in the case entrusted to him to the concerned officers Customs/Central Excise/Directorate of Revenue Intelligence/Central Excise Intelligence.
- (j) The Counsel shall perform all other duties of legal nature, which may be assigned to him by the officer of the concerned officers of Customs/Central Excise/Directorate of Revenue Intelligence/Central Excise Intelligence relating to the cases assigned to him.
- (k) The Counsel shall immediately apply for certified copy of the judgment in case of acquittal. After obtaining the certified copy of the judgment/order he should immediately sent the same to the concerned officers of Customs/Central Excise/Directorate of Revenue Intelligence/Central Excise Intelligence alongwith his comments and suggestions for the future course of action.
- (l) If any misc. application is filed in the court by the accused persons the Counsel should seek instructions from the officers of Customs/Central Excise/Directorate of Revenue Intelligence/Central Excise Intelligence before making submission in the court.
- (m) The Counsel shall not appear in any NDPS case against the Govt./Department.
- (n) A case would be considered as one case for the purpose of fees, even though it involves more than one accused/person or leads to filing of supplementary complaints against accused persons arrested/identified at a later date.
- (o) The Counsel shall send his annual performance Report for the period ending 31st December every year to the concerned officers of the Customs/Central Excise/Directorate of Revenue Intelligence/Central Excise Intelligence.
- (p) The fee to the counsel will be paid on presentation of stamped receipt, and on submission of a copy of the document drafted if it is a drafting fee and submission of minutes or gist of proceedings or a copy of order/judgment where it is necessary in case the claim is for appearance fee. The Counsel shall submit his fee bills within three months from the date on which the fee has accrued.

The above revised Terms & conditions (including Fees & allowances) shall take effect from the date, the proposal was received in the Law Ministry i.e. on 04.12.2009.

4. This issues with the concurrence of Ministry of Law and Justice, Department of Legal Affairs, New Delhi, vide their FTS No,161 dated,14.05.2010.

Yours faithfully,



(Sanjeev Behl)

Under Secretary to the Government of India

Copy forwarded for information to:-

1. Pay and Accounts Officers of All Chief Commissioner of Customs, Customs (Preventive), Central Excise, DGR & DGCEI.
2. Ministry of Law and Justice, Department of Legal Affairs (Judicial Section), Shastri Bhawan, New Delhi.

Annexure - 1

No.278A/54/2015-Legal
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise and Customs
(Legal Cell)

C-Wing, 5th Floor, Hudco Vishala Bldg.,
Bhikaji Cama Place, K.K.Puram,
New Delhi, the 29th February, 2016

Instruction

To

1. All the Principal Chief Commissioners/Chief Commissioners of Customs/Central Excise/Service Tax.
2. The Directors General, Revenue Intelligence/ CEI.
3. < webmaster.cbec@icegate.gov.in>; Webmaster, CBEC

Subject: Procedure for selection of Special Public Prosecutors (SPPs) for handling CBEC cases before the Subordinate Courts/Courts of Session and High Court - reg.

Sir/Madam,

Please find enclosed guidelines for selection of Special Public Prosecutors (SPPs) for handling CBEC cases before the Subordinate Courts/Courts of Session and High Court.

2. In this regard, it may be mentioned that the attached guidelines will be effective from 01.03.2016. It is, however, clarified that all such proposals for extension of existing SPPs or otherwise, which have been sent by the concerned Chief Commissioner to the Board on or before 29.02.2016 will be examined as per the earlier procedure.

3. Difficulties faced, if any, in implementation of these instructions may be brought to the notice of the Board.

This issues with the approval of the Competent Authority in Ministry of Finance.

Encl: As above



(Y.S. Karoo)

Under Secretary (Legal)
Phone: 011-26195406

Issued
29/2/16
-1

Procedure for selection of Special Public Prosecutors (SPPs) for handling CBEC cases before the Subordinate Courts/Courts of Session and High Court.

In order to streamline the procedure for selection of SPPs for handling CBEC cases before the Subordinate Courts/Courts of Session and High Court, the following procedure is laid down:-

1. The concerned Chief Commissioner will assess the number of SPPs required for prosecution/criminal cases of CBEC in his Zone. While deciding the number of SPPs in the Zone, the requirement of cases of the DGRI/DGCEI will also be taken into consideration. In case there is more than one Chief Commissioner in a Zone, the Chief Commissioner of Customs, will be the nodal authority. In case there is more than one Chief Commissioner of Customs in a Zone, the Chief Commissioner of Customs-Zone -1 will be the nodal authority. This vacancy position will then be circulated to all the Commissioners. Based on the requirement, the following procedure will be adopted:-

2. Procedure for engagement

2.1 The concerned Commissioner will at least 5 months before the expiry of the term of the existing SPP or immediately on occurrence of the vacancy due to any reason such as resignation, death, removal, promotion, fresh recruitment etc. will call for applications either by advertisement in local newspapers, or by displaying "Notice for Application" on the notice Board/website of the Commissionerates and also forward the Notice inviting applications from the aspiring advocates, who qualify in terms of Section 24 (8) of the Criminal Procedure Code, 1973 to the Bar Council of the High Court/Bar Associations of Subordinate Courts falling under the jurisdiction of the Commissionerate.

2.2 The applicants should apply along with the Bio-data and willingness to the concerned Commissioner. The fresh application should be received within 3 weeks of the date of "Notice of Application".

2.3 A three-member Committee shall be formed for the purpose of evaluation of the proposals received (both seeking extension and fresh applicants). The Committee will comprise of the concerned Commissioner and a Commissioner nominated by the concerned Chief Commissioner. The 3rd Member will be the Zonal Addl. Director General of the Dte. of Revenue Intelligence, failing which the Zonal Addl. Director General of the Central Excise Intelligence will be the Member. All eligible candidates (both seeking extension and fresh applicants) will be interviewed by the said Committee. The Committee will assess the applicants' expertise in handling criminal/prosecution matters and their suitability to represent the cases of the Department before the various judicial fora. The said Committee will record the proceedings and give its recommendations to the concerned Chief Commissioner, who will send his views along with the recommendations of the Committee to the Board at least 2 months before the date of expiry of the term of SPP. The Chief Commissioner will submit the proposal for renewal of the period of engagement to the Board for existing SPPs' in the proforma-I. It should be ensured that the process of engagement is transparent and broad based.

2.4 The Board will thereafter examine such proposals received from the Chief Commissioner for appointment/extension of SPPs.

2.5 The first engagement of an SPP shall normally be for a period of 18 months. Such engagement will be renewable on receipt of recommendation of the concerned Chief Commissioner along with the annual performance appraisal on completion of first 12 months of the engagement.

3. Performance Review

3.1 On the basis of the reports received from the jurisdictional Commissioner, the Chief Commissioner concerned shall review the performance of the SPP for every Year and send an Annual Report to the Legal Cell of the Board by 31st March of the following year in the proforma-II.

4. The concerned Chief Commissioner will ensure equitable distribution of workload to all SPPs in his jurisdiction.

5. In this regard, it is brought to the notice that the Ministry of Law and Justice appoints Additional Public Prosecutors/Public Prosecutors for defending the interests of Union of India in various criminal/prosecution matters within the jurisdiction of the concerned High Court/Subordinate Courts, whose services can be availed by the Commissionerate for the prosecution/criminal matters of CBEC.

6. The Board with the concurrence of Ministry of Law and Justice had issued revised terms and conditions for appointment (including fees and allowances) of SPPs for CBEC before Subordinate Courts/Courts of Session and High Court vide letter No. 278A/82/2008-Legal dated 25.5.2010, which shall stand until revised further.

Encl: As above

By Email/Speed Post
Most Immediate

फा.सं. 278A/18/2024-लीगल/F. No.278A/18/2024-Legal

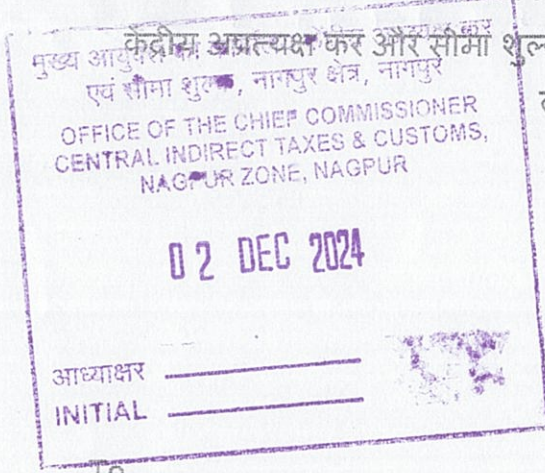
भारत सरकार/ Government of India

वित्त मंत्रालय/ Ministry of Finance

राजस्व विभाग/ Department of Revenue

शुल्क बोर्ड/ Central Board of Indirect Taxes & Customs

लीगल सेल/ Legal Cell



5वीं मंजिल, सी विंग, हुडको-विशाला बिल्डिंग,
5th Floor, C-Wing, Hudco Vishala Building
भीकाजी कामा प्लेस, आर.के. पुरम,
Bhikaji Cama Place, R K Puram
नई दिल्ली/New Delhi- 11.2024

TO,

1. All the Pr. Chief Commissioners/Chief Commissioners of CGST & C.Ex., Customs, Customs (P)
2. Pr. Director General, DRI/DGGI

Subject: notifying the Sr./Jr. Standing Counsels of CBIC as Special Public Prosecutors (SPPs) under section 18(8) BNSS, 2023-reg .

Sir,

Kind attention is drawn to various orders vide which Sr/Jr Counsels have been appointed to defend tax litigation cases of CBIC before High Courts and other fora . Recently a doubt was raised whether these Sr./Jr. Standing Counsels of CBIC can appear as Special Public Prosecutors (SPPs) under section 18(8) BNSS, 2023 for handling the prosecution/criminal cases of CBIC before Subordinate Courts, Session Courts and High Courts.

2. In this connection, advice was sought from M/o Law & Justice which vide I.D. No. J-12013/210/2022-Judicial dated 23.10.2024 (copy enclosed) has replied as under -

"The services of Standing Counsels appointed by M/o Law & Justice and M/o Finance can be taken to defend criminal matters under Section 18(8) of BNSS, 2023 (Section 24 or 24(8) of CrPC. However, such service can be availed only upon appointment by Central Govt. or State Govt. which requires the appointment to notified under Section 18 or 18(8)."

2. It is further to note that the Standing Counsels having experience of more than 10 years can be notified as Special Public Prosecutors under Section 18(8) BNSS, 2023 (Section 24(8) of CrPC) for handling criminal matters before Hon'ble

High Courts and other fora .

5. Accordingly, its kindly requested to provide the names of the willing and eligible Sr./Jr. Standing Counsels from the existing panel of CBIC who fulfil the requisite qualification/criteria under Section 18(8) BNSS, 2023 read with CBIC instructions issued vide F.No. 278A/82/2008-Legal dated 25-05-2010 and 29-02-2016 for being notified as Special Public Prosecutors (SPPs) at the earliest.

भवदीय,

Signed by Shalinee Sharma
(डॉ. शालिनी शर्मा)
Date: 25-11-2024 13:20:50
निदेशक (सीगल)