

**OFFICE OF THE COMMISSIONER OF CENTRAL TAX, PUNE - I COMMISSIONERATE
GST HOUSE, 41/A SASOON ROAD OPPOSITE WADIA COLLEGE, PUNE -411001**

F. No.LC/CIVIL-31/SPP/2016

DATED: - -07-2018

To,
Superintendent (EDP Section)
Central Tax, GST- I

Sub:- Request for uploading Notice of Appointment of special Public
Prosecutor (SPPs) for handling CBIC cases

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Please find enclosed herewith the copy of Notice for Appointment for
appointment of Special Public Prosecutors (SPPs) for handling CBIC cases before
the lower court and Performa A, duly approved by the Commissioner along with
CBEC's letter F.No.278A/82/2008-Legal dated 25-05-2010.

2. It is requested to upload the "Notice of Application" along with Performa A,
CBEC's letter F.No.278A/82/2008-Legal dated 25-05-2010 on this
Commissionerates website.

Encl:- As above.

Satbir Sharma
13/7/2018

Satbir Sharma
Assistant Commissioner (L&T)

केंद्रीय वस्तु एवं सेवा कर, पुणे-1 के आयुक्त का कार्यालय
41/ए, जीएसटी भवन, ससून रोड, वाडिया कॉलेज के सामने, पुणे- 411001

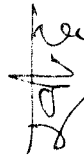
फा.सं.एल सी/सिविल-31/एसपीपी/2016

दिनांक:- -07-2018

आवेदन आमंत्रित करने हेतु नोटिस

केंद्रीय उत्पाद शुल्क एवं सीमा शुल्क बोर्ड, राजस्व विभाग, वित्त मंत्रालय द्वारा दिनांक 29-02-2016 को जारी फा.सं.278/54/2015-विधि के संदर्भ में यह कार्यालय, विभाग के अप्रत्यक्ष कर संबंधी मामलों अर्थात् पुणे -1 आयुक्तालय के क्षेत्राधिकार के विभागीय मामलों को निपटाने अर्थात् निचले न्यायालयों के समक्ष केन्द्रीय उत्पाद शुल्क, सेवा कर और जीएसटी संबंधी मामलों का निपटान करने के लिए "विशेष सार्वजनिक अभियोजक" के पैनल के लिए आवेदन आमंत्रित किया जा रहा है। "विशेष सार्वजनिक अभियोजक" के पैनल के लिए योग्यता और अन्य नियम और शर्तें उपरोक्त संदर्भ में निहित होंगी जो सार्वजनिक डोमेन पर उपलब्ध है। यह ध्यान दिया जाए कि जो व्यक्ति दस वर्ष से अधिक समय के लिए अधिवक्ता के रूप में अभ्यास कर चुका है वही इस पद के लिए आवेदन करने के लिए पात्र है। नियम और नियुक्ति (शुल्क और भत्ते सहित) आगे संशोधित होने तक वही रहेंगे।

अनुरोध है कि जो अधिवक्ता पैनलिंग के लिए आवेदन करना चाहते हैं वे संलग्न प्रपत्र- "क" में अपना विवरण बायो-डेटा के साथ इस कार्यालय को दिनांक 03-08-2018 तक अग्रेषित करें। "विशेष सार्वजनिक अभियोजक" के चयन की प्रक्रिया और प्रपत्र - "क" पुणे -1 सेंट्रल टैक्स की वेबसाइट www.punecenexcise.gov.in पर अपलोड की गई है।


15.07.2018
(रविंद्र के. दास)

अपर आयुक्त (वैधानिक)

PERFORMA-A

**PARTICULARS TO BE FURNISHED BY AN ADVOCATE APPLYING FOR
APPOINTMENT AS SPECIAL PUBLIC PROSECUTOR**

- 1 Name of the Person
- 2 PAN- Permanent Account Number
- 3 Father's Name
- 4 Date of Birth
- 5 Address for correspondence
- 6 Permanent Address
- 7 Educational Qualification**
- 8 Date of enrolment in High Court/Session Court as counsel**
- 9 Date of empanelment as member of Bar Council of High Court/Bar Association**
- 10 If partner in a firm, Name/Names of the firm and other partners
- 11 Number of cases relating to Indirect Taxes dealt with during the last ten years as advocate**
- 12 Number of cases published in Journals/Newspapers etc.
- 13 Income from professional practice.

Verification

I _____ D/o/S/o _____

do hereby declare that whatever has been stated in the above application is true to the best of my knowledge and belief.

Dated _____

Place _____

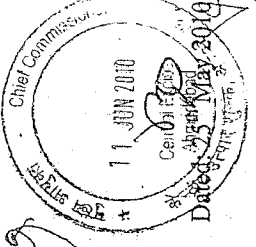
Signature _____

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

Handwritten signature and initials.

Speed Post (3)

111/28A&2/2008-Legal
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs



Handwritten date: 23 May 2010

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

I 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/- |

- 3. For drafting written Statements, affidavits, Counter affidavits, Application, counter-reply of Application, miscellaneous Application only
- 4. Clerks 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 | Rs.3000/- per case | |
| 2. | Non-Effective Hearing | Rs.1000/- | Rs.3000/- |

- 3. For drafting written Statements, affidavits, Counter affidavits, Application, counter-reply of Application, miscellaneous Application only
- 4. Clerks 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 I class/AC II fare by train or at prescribed rates for taxi when the journey is actually performed by taxi/own car (as per SR 46, TA rules) in case of road 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 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.

- 4-
- 53
- (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 along with 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, DGRI & DGCEL.
2. Ministry of Law and Justice, Department of Legal Affairs (Judicial Section), Shastri Bhawan, New Delhi.