

3. It is clarified that in the situations mentioned in para 2 above, the assessee will be treated as not in default only in respect of the amount attributable to such disputed points. Further, whether it is subsequently found that the assessee has not cooperated in the early disposal of appeal or where a subsequent pronouncement by a higher appellate authority or court alters the situation referred to in para 2 above, the Assessing Officer will no longer be bound by these instructions and will exercise his discretion independently.

4. In respect of other cases, not covered by para 2 above, the Assessing Officer will take into account all the relevant factors and communicate his decision to the assessee in the form of a speaking order. While exercising discretion under this provision, the financial capacity of the assessee to pay the demand will not be relevant.

5. The Chief Commissioners and Directors General of Income-tax may please bring these guidelines to the notice of all officers in their regions. The guidelines will apply, mutatis mutandis, to the demands created under other Direct Tax Laws also.

Sd/-
(V.K. MANGOTRA)
Secretary, Central Board of Direct
Taxes

Seizure of Contraband Goods on Indo-Nepal Border

3549. SHRI ABDUL HAMID: Will the Minister of FINANCE be pleased to state:

(a) the value of contraband goods seized in a drive along the 1700 km. Indo-Nepal border by the Customs Collectorate in March, 1989; and

(b) the number of persons arrested with details?

THE MINISTER OF STATE IN THE DEPARTMENT OF REVENUE IN THE MINISTRY OF FINANCE (SHRI A.K. PANJA): (a) and (b). During the period from 12th March, 1989 to 14th March, 1989, a special anti-smuggling drive was undertaken by the Indo-Nepal Border Customs (Preventive) Collectorate which resulted in the seizure of contraband goods valued at Rs. 84.86 lakhs in 193 cases. Four persons were arrested.

Additional Superfast Trains between Delhi-Calcutta

3550. KUMARI MAMATA BANERJEE: Will the Minister of RAILWAYS be pleased to state:

(a) whether Government propose to introduce more superfast trains from Delhi to Calcutta keeping in view the heavy rush; and

(b) if so, the time by which it is likely to be done?

THE MINISTER OF STATE OF THE MINISTRY OF RAILWAYS (SHRI MADHAVRAO SCINDIA): (a) No, Sir.

(b) Does not arise.

Haldia Petro-Chemicals Project

3551. KUMARI MAMATA BANERJEE: Will the Minister of FINANCE be pleased to state the latest development in clearing the Haldia Petrochemicals Project in West Bengal?

THE MINISTER OF STATE IN THE DEPARTMENT OF ECONOMIC AFFAIRS IN THE MINISTRY OF FINANCE (SHRI EDUARDO FALEIRO): The subject was discussed with the Chief Minister of West Bengal in June, 1989. Against this background, certain aspects relating to the project have to be further looked into.