

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:2408

ANSWERED ON:11.03.2010

PENDING CASES OF DIRECT AND INDIRECT TAXES

Alagiri Shri S. ;Sinh Dr. Sanjay

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether some tribunals set for the disposal of direct and indirect taxes taking long time to clear the pending cases;
- (b) if so, the number of cases pending before each such tribunals as on date;and
- (c) the steps taken-by the Government for speedy disposal of pending cases?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF LAW AND JUSTICE (DR. M.VEERAPPA MOILY)

(a) & (b) 47069 cases relating to direct taxes are pending with the Income Tax Appellate Tribunal (ITAT) upto 1-3-2010 and 47373 cases relating to indirect taxes are pending with Custom s. Excise & Service Tax Appellate Tribunal (CESTAT) upto 31-1-2010.

(c) As regards direct taxes cases, the benches of ITAT have been instructed to scrutinize and identify cases which are covered by the decisions of ITAT, High Courts and the Supreme Court and post them on priority basis. The Bar is also requested to bring to the notice of ITAT all such covered cases for out of turn posting. Search and Seizure and Appeals under Section 263 of the Income Tax Act, 1961 are also given priority in their disposal by the ITAT. The limit for appeals heard by a Member sitting singly has been raised from Rs. 1 Lakh to Rs.5 Lakhs. A special drive has also been started some time ago to dispose off Single Member Cases. As regards indirect taxes cases, all pending appeals have been grouped by CESTAT subject-wise and are taken up for hearing as separate groups of cases resulting in finding solutions of issues which are akin with least effort. Directions have been issued to all concerned to scrupulously follow Section 35C of Central Excise Act, 1944 and Section 129 B of Customs Act, 1962. The procedure of weekly roster has been replaced with one month roster. A new procedure for listing short matters on Mondays and Fridays and regular matters on Tuesdays, Wednesdays and Thursdays has been introduced. The Cause list of final hearing matters is prepared subject wise so that these matters are decided in chronological order.