

**GOVERNMENT OF INDIA  
FINANCE  
LOK SABHA**

UNSTARRED QUESTION NO:2279  
ANSWERED ON:06.08.2010  
ADJUDICATION OF IT CASES  
Ram Shri Purnmasi

**Will the Minister of FINANCE be pleased to state:**

- (a) The details of demands on Income tax outstanding for adjudication by Income Tax Department before the Commissioner of Income tax (Appeals) as on 31-03-2009 and the number out of it pending for more than three years,
- (b) Whether is there any time limit for adjudication of such demands by Commissioner of Income Tax (Appeals); and
- (c) If so, the details thereof and the reasons for not adhering to the said time limits?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI S.S. PALANIMANICKAM)

(a): The details are as under.

- i) Total number of appeals pending before Commissioners of Income Tax (Appeal) as on 31-03-2009: 1,58,031  
ii) Total demand locked up in the above mentioned appeals: Rs 1,99,100-89 crores.

The statistics of pendency for more than 3 years is not maintained but those pending for less than 1 year, 1 year to 2 years, 2 years to 5 years and so on, are maintained.

Number of cases pending for more than 2 years out of (i) above: 23,379

(b): As per Section 250 (6A) of Income Tax Act, 1961, 'Commissioner (Appeals) where it is possible may hear and decide such appeals within a period of one year from the end of the financial year in which such appeal is filed before him.' From the provision of the Act it may be seen that the Act prescribes a suggestive time limit for adjudication of such appeals. The time limit of one year mentioned in Section 250(6A) of the Act is only suggestive in nature and not binding on Commissioner of Income Tax (Appeals) who are performing quasi-judicial functions. Best efforts are made to dispose off the cases within the said limit of one year. However, in certain cases, owing to the factors, such as facts and circumstances of the cases, requirement of further enquiry, delay in representation by assessee, shortage of officers, or for other bonaftde reasons, the Commissioner of Income Tax (Appeals) may take more than a year in deciding the appeal.