

**GOVERNMENT OF INDIA
FINANCE
LOK SABHA**

UNSTARRED QUESTION NO:1866
ANSWERED ON:17.07.2009
EXCISE CASES
Thakur Shri Anurag Singh

Will the Minister of FINANCE be pleased to state:

- (a) whether the Central Excise authorities have a large of excise cases pending adjudication, confirmed demand cases pending recovery etc;
- (b) if so, the details thereof category-wise for each of the last three years;
- (c) the reasons for long pending of such cases; and
- (d) the measures taken by the Government to remove procedural constraints?

Answer

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

(a) & (b): The number of cases pending in Central Excise are as under:

As on	As on	As on
31.03.2007	31.03.2008	31.03.2009

Cases pending adjudication	10443	11594	14707
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Confirmed demands pending recovery	32884	34919	37368
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(c): Adjudication orders are required to be passed following the principles of natural justice. This involves, in many cases, granting opportunities of personal hearings to the party, cross-examination of witnesses etc., which cause delay. Adjudication orders can not be passed in cases where the Department has gone in appeal, or injunctions have been issued by Courts / CESTAT, or where audit objections are contested, etc.

The important reasons for non-realization of arrears of revenue include: stay orders by the Courts / CESTAT; cases relating to Public Sector Units pending with COD; cases pending with BIFR / DRT / OL; assets not available or defaulters not traceable; cases within appeal period or stay application pending; cases pending with district administration under certificate action.

(d): The strategy adopted for effective action include: close monitoring and timely disposal of all adjudication cases pending with Commissioners and officers below the rank of Commissioner; immediate realization of unfettered arrears; filling of applications for vacation of stay / prayer for early hearing of Courts / CESTAT cases; regular follow-up of cases pending in BIFR/ DRT / OL / COD; implementation of favourable orders of CESTAT / Courts.