

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

UNSTARRED QUESTION NO:4346
ANSWERED ON:18.12.2014
IMPACT OF COURT ORDER ON TRIBUNALS
Galla Shri Jayadev;Khuba Shri Bhagwanth

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

- (a) whether the Government is aware that the National Tax Tribunal Act has been recently struck down by the Hon`ble Supreme Court;
- (b) if so, the details thereof and the reasons therefor along with the reaction of the Government thereto;
- (c) the possible impact of the said order on the functioning of other tribunals e.g. National Company Law Appellate Tribunal along with the steps proposed to be taken by the Government in this regard;
- (d) whether the Government has received any proposal from the Government of Karnataka for setting up of Karnataka Administrative Tribunal and Karnataka Administrative Appellate Tribunal at Gulbarga; and
- (e) if so, the details and the present status thereof?

Answer

MINISTER OF LAW AND JUSTICE (SHRI P.V. SADANANDA GOWDA)

(a): Yes, Madam.

(b): The Hon`ble Supreme Court vide its judgment dated 25.09.2014 in Transferred Case(C) No. 150 of 2006 has struck down the National Tax Tribunal Act, 2005 and Sections 5, 6, 7 8 ad 13 of NTT Act are held to be unconstitutional, on the ground that the enacting legislation, NTT Act, pertaining to transfer of Judicial power, conventions and salient characteristics of the Court sought to be replaced, are not incorporated in the Court/Tribunal sought to be created. The said judgment is under consideration of the Government.

(c): The information is being collected and will be laid on the Table of the House.

(d) and (e): The Department of Personnel and Training has informed that on receipt of a request in this behalf from the Government of Karnataka, the Kamataka Administrative Tribunal was established by the Central Government with effect from 6th October 1986 vide Notification dated 3rd October 1986. However, the Central Government has not received any proposal from the Government of Karnataka for setting up the Karnataka Administrative Appellate Tribunal at Gulbarga.