भारत सरकार GOVERNMENT OF INDIA
वित्त मंत्रालय MINISTRY OF FINANCE
राजस्व विभाग DEPARTMENT OF REVENUE
केन्द्रीय अप्रत्यक्ष कर और सीमा शुल्क बोर्ड
CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS
मुख्य आयुक्त का कार्यालय
OFFICE OF THE CHIEF COMMISSIONER
केन्द्रीय कर, केन्द्रीय उत्पाद शुल्क और सीमा शुल्क
CENTRAL TAX, CENTRAL EXCISE & CUSTOMS
तिरुवनंतपुरम क्षेत्र, THIRUVANANTHAPURAM ZONE
केन्द्रीय राजस्व भवन, CENTRAL REVENUE BUILDING
आई. एस. प्रेस रोड, कोच्चि, I.S. PRESS ROAD, KOCHI-682 018
E-mail: cccochin@nic.in Fax: 0484-2397614 Phone 0484-2394100/0404

NATION TAX MARKET

APPLICATION FOR THE POST OF SENIOR/JUNIOR STANDING COUNSEL

Central Tax, Central Excise and Customs, Thiruvananthapuram Zone is proposing to empanel advocates for engagement as Senior/Junior Counsels to appear on behalf of the Department on Indirect taxation matters before the Hon'ble High Court of Kerala and other fora for a period of three years.

Applications from eligible advocates, who are having experience in handling cases in Central Tax, Central Excise and Customs matters, are invited. The process of empanelment of Senior/Junior Standing Counsels is in line with CBIC instructions dated 05.12.2007.

The eligible advocates may submit their applications in the prescribed Proforma 'A/A-1' alongwith bio-data and copies of relevant documents to the Chief Commissioner of Central Tax, Central Excise and Customs, Thiruvananthapuram Zone, C. R. Building, I.S. Press Road, Kochi-682018 on or before 15th March, 2019.

Application form (Proforma 'A/A-1') and terms and conditions can be downloaded from the website at **'www.cbic.gov.in'/ 'www.cenexcisekochi.gov.in'.**

The envelope containing the application should be clearly superscripted as **"Application for the post of Senior/Junior Standing Counsel".**

(Dr. T. TIJU)
ADDITIONAL COMMISSIONER (CCO)

F.No. 278A/50/2011-Legal
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise and Customs
.....

New Delhi, dated the 14th Sept., 2012

To

All the Chief Commissioners of Customs/Central Excise/ Customs ((Prev.), D.G.R.I./ D.G.C.E.I.

Sir/ Madam,

Sub: Revision of fee payable to panel of Standing Counsel of Department for High Courts - reg.

In partial modification to the instructions of the Board communicated vide letter in F.No.278A/43/2007-Legal dated 5th December, 2007, the undersigned is directed to convey, upon approval of the Competent Authority, the revision of the fee structure applicable to the panel of Standing Counsel of department for High Courts, as below, with effect from 03.04.2012:

Revised fee structure

A. Senior Standing Counsel

S.No	Item of work	Revised fee
1.	Appearance Fee – In Statutory Appeals and Writ Petitions	(i) For effective hearing Rs.6,000/- per day; (ii) For non-effective hearing Rs.1,000/- ((subject to maximum of 5 non-effective hearings).
2.	Civil Miscellaneous Application	Rs.2,000/- per case
3.	Civil or Criminal Revision Petition	Rs.2,800/- per case
4.	For drafting pleadings, written statements in suits, counter affidavits/ returns/answers pleading to the writ petition and grounds of appeal, etc.	(i) For main case/first such drafting in a issue - Rs.2,000/- per case (ii) For similar affidavit in common/ connected matters -Rs.1,000/- per case.
5.	Certificate of fitness	Rs.2,000/- for each application
6.	Written Opinion – [No fee is payable on opinion given advising for filing of further appeal in the case defended by the counsel that is decided against the department – Duties of Counsel as mentioned in para 7(iii) of Annexure- 1 of the said letter dated 05.12.2007 refers]	Rs.1200/- per case

....2/-

7.	Retainership	Rs.8000/- per month (This includes charges for staff, office rent, postage and all other establishment charges).
8.	Clerkage	Clerkage 10% of the hearing fee subject to a maximum of Rs.5000/- in a case or batch of cases before the High Court.

B. Junior Standing Counsel

The Standing Counsels and Junior Standing Counsels shall be entitled to only 1/3rd of the amount specified against each item of work (except item No.7). The Junior Standing Counsel shall not be entitled to retainership fee.

Yours faithfully,

(G.D. Lohani)
Director (Legal)
Tel: 26162152

D.O.F.No.278A/43/07-Legal

सत्यमेव जयते

सर्व शिक्षा अभियान
सब पढ़ें सब बढ़ें

B.K.Gupta
Member (L&J)
Ph: 2309 2417

भारत सरकार
GOVERNMENT OF INDIA
केन्द्रीय उत्पाद तथा सीमा शुल्क बोर्ड
CENTRAL BOARD OF EXCISE AND CUSTOMS

New Delhi, the 5th December, 2007

Dear Chief Commissioner

Sub: Appointment of Counsels by Central Board of Excise & Customs for constituting a panel to defend the cases relating to indirect taxation before various High Courts – Reg.

Central Board of Excise & Customs has been recently assigned the powers by Ministry of Law & Justice to appoint Standing Counsels for constitution of panel to defend the cases relating to indirect taxation before the various High Courts. This has been a long pending demand of the Central Board of Excise & Customs with the Law Ministry and as a result of continuous efforts and persistence, the Law Ministry has acceded to our request.

2. Central Board of Excise & Customs in consultation with the Ministry of Law & Justice has prepared the guidelines governing the manner of appointment of Counsels and the various terms and conditions of their appointment. The guidelines are enclosed as Annexure 'I' & 'II'.

3. Looking to the fact there are more than one Chief Commissioner within the jurisdiction of the various High Courts, Committees of Chief Commissioners have been formed for the purpose of examining the suitability of the Counsels applying for appointment for a particular High Court and sending self contained recommendations to the Board for constitution of panel. The Committee of Chief Commissioners constituted for this purpose is enclosed as Annexure 'A'. The Committee of Chief Commissioners duly headed by the senior most Chief Commissioner may call for the names from the Counsels by way of advertisement in the leading newspapers as per the procedure and or through Bar Association of the respective High Court.

4. The number of Counsels who would be handling the revenue cases before each High Court has been tentatively fixed and is enclosed as Annexure 'B'. The number of Junior Standing Counsel and Senior Counsels has also been worked out. However the Chief Commissioners are at liberty to change the composition depending upon the nominations received and the categories to which they fall and give adequate justification thereto.

5. The work relating to formation of the panel of Counsels should be completed by 15.1.2008. The Chief Commissioner, heading the Committee should send a self contained proposal addressed to the undersigned in terms of the procedure contained in the guidelines governing the manner of appointment of Counsels and their terms and conditions.

With best wishes.

Yours sincerely

(B.K. Gupta)
Member (L&J)

Encl: As above.

GUIDELINES FOR APPOINTMENT OF STANDING COUNSELS FOR HANDLING DEPARTMENT CASES BEFORE HIGH COURTS

F.No.278A/43/2007-Legal
Government of India
Ministry of Finance
Department of Revenue
(Central Board of Excise & Customs)
***

New Delhi, dated the 05th December, 2007

To

All the Chief Commissioners of Customs / Central Excise / Customs (Prev.)
D.G.R.I./ D.G.C.E.I.

Sir / Madam,

Sub:Powers assigned to CBEC for appointment of Standing Counsels to handle litigation of Indirect Taxes before various High Courts – guidelines regarding mechanism of appointment of Counsels and their terms and conditions– Reg.

Central Board of Excise & Customs has been assigned the powers to appoint Standing Counsels to handle the litigation of Indirect Taxation before the various High Courts / Tribunal / BIFR / AAIFR / DRT and other statutory bodies / authorities and also to regulate their terms and conditions of engagement etc.

2. The procedure for appointment of Counsels and renewal of their terms has been prescribed by specifying the requisite qualification and terms and conditions of their engagement which is annexed as Annexure-I. The Schedule of fee and allowances etc. is annexed as Annexure-II.

3. This issues with the concurrence of Ministry of Law & Justice vide their Dy.No.3513/2007-Judl. dated 22.11.2007 and the Integrated Finance Unit (IFU) Dy.No.3112/2007.

Yours faithfully

5.12.07

(Simmi Jain)
Director (Legal)

Encl: as above

ANNEXURE – I

1. Category and qualification of Counsels:

Counsels are engaged by the department for representing the department before different High Courts/other judicial bodies in cases relating to the indirect taxation. The Counsels engaged by the department will fall into three categories viz-.

a. Junior Standing Counsels

b. Senior Standing Counsels

c. Standing Counsels

Qualifications of each category of counsel will be as under:

A. Junior Standing Counsel: In order to be eligible for appointment as Junior Standing Counsel a person should

i. be enrolled/registered as an advocate with the High Court

ii. have a minimum experience of three years of handling preferably Customs and Central Excise and Service Tax matters before High Courts or Tribunals

OR

Have been an officer of the Custom & Central Excise Department who retired/resigned from the post of Additional Commissioner of Custom/Excise or below and is enrolled/registered as an advocate in the High Court. Provided that he has not been removed/dismissed or compulsorily retired from service on account of disciplinary action against him and no disciplinary proceeding under service rules or pension rules is pending against him.

B. Senior Standing Counsels: In order to be eligible for appointment as Senior Standing Counsel a person should

i. be enrolled/registered as an advocate with the High Court

ii. have a minimum experience of five years of handling preferably Customs and Central Excise and Service Tax matters before High Courts or Tribunals

OR

Have been an officer of the Custom and Central Excise Department who retired/resigned from the post of Commissioner of Customs / Central Excise or above or retired/resigned as Member/Vice President/President of CESTAT/Settlement Commission and is enrolled/registered as an advocate in the High Court. Provided that he has not been removed/dismissed or compulsorily retired from service on account of disciplinary action against him and no disciplinary proceeding under service rules or pension rules is pending against him.

C. Standing Counsels: In a station where counsels do not have sufficient experience to be appointed as Senior Standing Counsels, the senior most among the panel of Junior Standing Counsels of the Department at that station may be designated by the Chief Commissioner of Custom/Central Excise as the Standing Counsel while other Counsels should be categorized as Junior Standing Counsels.

The Standing Counsel so designated shall perform the function of arguing cases before the Hon'ble High Court/CESTAT/other forums in the absence of a Senior Standing Counsel.

2. Appointment of Counsels.

2.1 For the purpose of appointment, the Chief Commissioner of Custom/Central Excise will call for applications in Proforma –A & A-I (as applicable), either by advertisement in local newspapers, or from the Bar Council of High Court or otherwise. Terms and conditions of appointment should be in accordance with Annexure I & II as enclosed.

2.2 Particulars of the applicants' expertise in handling indirect tax matters by the applicant will be examined by the Chief Commissioner of Custom/Central Excise matters and an evaluation report along with recommendation of the Chief Commissioner concerned will be sent to the Board in Proforma –B

2.3. The First appointment of each Counsel shall normally be for a period of three years.

3. Performance Review:

The following procedure shall be adopted for reviewing performance of the Counsels appointed by the department:

a. The Commissioner of Customs /Central Excise having jurisdiction over a case shall submit a half yearly report to the Chief Commissioner in Proforma-C in respect of the cases represented by the Counsels.

b. On the basis of the reports received from the Commissioners, the Chief Commissioners will review the performance of the appointed Counsels every year before 30th June of each year and send an annual report to the Board in Proforma-D.

4. Renewal of appointment :

4.1 Proposals for renewal of terms of the Counsels should be submitted to the Board at least 3 months before the expiry of the existing term.

4.2 The renewal of a term of a Counsel can be made for a period of three years if his performance is found to be satisfactory. Before making recommendation for

renewal of appointment of the Counsel, the Chief Commissioner should necessarily make an evaluation of the performance of the Counsel during the preceding term and forward it to the Board alongwith the proposal for renewal in Proforma –E.

5. Allocation of cases to Counsel:

The Chief Commissioner of Customs/Central Excise will be overall in charge of entire litigation work on behalf of the Commissionerates falling within his jurisdiction. In respect of

cases taken up by the DGDRI/DGCEI, the DG concerned will be the incharge. Allocation of cases to the Counsel may be made by the Chief Commissioner/Director General or by the Commissioner/Director authorized by them.

6. Termination of appointment/resignation:

The appointment/empanelment of the Counsel would be terminable on one month's notice in writing by either side without assigning any reason.

7. Duties of the Counsel

The Counsel shall:

(i) appear in the High Court in the cases assigned to him and also appear, if so required on behalf of the Department, in other High Courts, Tribunals, BIFR , AAIFR/ DRT / other Tribunals/ Settlement Commission, Commissioner (Appeals) and other courts and statutory bodies;

(ii) give legal advice to the Department on such civil, criminal and revenue matters pertaining to indirect taxes and such other matters arising in the course of administration of the Department as are referred to him by the officers of the Department including:

(a) examination and settling of drafts of legal nature;
(b) drafting of applications, petitions etc. to be filed in courts of law;
(c) prompt removal/curing of defects in appeals/petitions filed, as may be pointed out by the registry.

(iii) when any case attended to by him is decided against the Department, give his opinion regarding the advisability of filing an appeal from such a decision not later than 5 working days of the order(kachha copy).

(iv) apply for the copy of the judgement of the Court in a case attended by him on the same day or the next day and provide the same within 10 days of the receipt of the order (excluding the time taken by the Court in preparation of the copy);

(v) if required, render all assistance to the Law Officers, Advocate General of the State Government, Special or Senior Counsel, who may be engaged in a particular case before the Supreme Court, High Courts, Tribunal, etc;

(vi) keep the department informed of the important developments in the case from time to time particularly with regard to drafting, filing of papers, dates of hearing of the case, order of the Court on the date of its pronouncement , supplying copies of judgement etc;

(vii) furnish to the Department monthly statement about the cases represented by him before the High Court or any other authority.

(viii) perform such other duties of legal nature, which may be assigned to him by the Department.

8 Right to private practice

The Counsel will have the right of private practice, which should not however, interfere with the efficient discharge of work of the Department but he shall not advise, hold briefs or appear against the Department before any authority, tribunal or court in matters under the statutes relating to indirect taxes.

If the counsel happens to be a partner of the firm of lawyers or solicitors, it will be incumbent on the firm, not to take up any case against the Department in the same High Court, before any authority, tribunal or any case arising in other courts out of those cases e.g. appeals and revision in the High Court or the Supreme Court.

ANNEXURE – II

1 Schedule of Fees and allowances

The fees and allowances for Senior Standing Counsels are given hereunder: The Standing Counsels and Junior Standing Counsels shall be entitled to only 1/3rd of the amount specified against each item of work (except item no. 7). The Junior Standing Counsel shall not be entitled to retainership payable to Sr. Standing Counsel and Standing Counsel mentioned at S.No.7 below.

1. For appearance in the High Court Appeals under section 130/130A of the Customs Act 1962/Section 35G/35H of Central Excise Act, 1944/Finance Act 1994/ Civil or Criminal Writ Petition under Articles 226 and 227 of the Constitution/ orders made in such Petition, including appearance at admission Stage/ for cases before other Authorities	Rs.4500/-
However, for each substantial and effective hearing, following the first hearing, an additional fees of Rs.2060/- per substantial and effective hearing may be paid as refresher fees.	
2. Certificate of fitness	Rs.1500/- (for each application)
3. For Civil Miscellaneous Application	Rs. 1500/- per case
4. For Civil or Criminal revision Petition	Rs. 2100/- per case
5. For drafting pleadings, written statements in suits, counter affidavits/returns/answers pleading to the writ petition, grounds of appeal, etc. application for leave to appeal to Supreme Court. If substantially identical affidavits, written statements etc are drafted in connected cases, only one drafting fee will be payable in the main case and no separate drafting fee will be payable in connected cases.	Rs. 1500/- per case
6. Written opinion Other than what is referred in Para 7(iii) of Annexure I	Rs. 900/- per case

7. Retainership

The senior Standing Counsel and Standing Counsel will be entitled to a Retainership of Rs. 6,000/- per month (which includes charges for staff, office rent, postage and all other establishment charges).

8. Clerkage

Clerkage at the rate of 10% of the hearing fee subject to a maximum of Rs.3,600/- in a case or batch of cases before the High Court.

9. Out of pocket expenses

The amount required for court fees at the time of filing a case and other miscellaneous expenses should be paid to the Counsel in advance by the Commissioner concerned. An account of the expenses incurred should be rendered to the Commissioner while presenting the final bill.

10. Perquisite

The reimbursement of telephone expenditure, subject to a maximum of Rs. 1,000/- per month, shall be made by the Commissioner for calls that have been made in connection with Departmental litigation matters only.

11. For appearance before any other Courts, CESTAT, BIFR /AAIFR/ DRT /other Tribunals and other Statutory bodies and authorities.

(a) at headquarters: same as payable for appearance before the High Court.

(b) out of headquarters: When the Counsel is required to go out of headquarters in connection with any litigation matter e.g. for conference with a Senior Counsel/ Special Counsel or with the Law Officer or for appearance in any Courts/Tribunal/other Statutory Bodies etc. outside the headquarters, he will be entitled to a daily fee of Rs.3,600/- per day for the days of his absence from the Hqrs. including the days of departure from, intervening holidays and arrival back at the headquarters. However, no fee will be paid for the day of departure if he leaves headquarters after court hours and for the date of arrival if he arrives at the headquarters before the court hours.

(c) travel/hotel expenses : in addition to the daily fee, the Counsel will be entitled to travel expenses for travel by air (economy class) or first class AC by train. Road mileage for the journey from his headquarters to the airport/railway station and vice versa and from the airport/railway station to the place of his stay out of headquarters and vice-versa will be paid at the rates admissible to Class I officers of the Central Government (having basic +NPA +SI in the pay range Rs. 8000/- to Rs. 16399/-). He will also be paid a lump-sum amount of Rs. 600/- as conveyance charges for performing local journey while outside the headquarters. He will also be entitled to actual expenses for stay in hotel, subject to maximum for Rs.1,200/- per day.

12.1 - General

The rates specified above are primarily applicable to Central Excise/Customs/Service Tax cases but will apply mutatis mutandis to cases relating to other matters assigned by the Department. In all cases effective appearance is necessary for the Counsel to claim fee.

12.2. No fee will be payable in cases where no legal work is required to be done. For example, cases in, which the interest of the Department is to be watched pending instructions, the cases involving transmission of records to the Supreme Court, inspection of the Court record for ascertaining the position of the case or other information needed.

12.3 If the Counsel appears at the instance of the Union of India or for parties other than the Union of India whose scales of fee are not inconsistent with that of the Union of India, he will be entitled to only one set of fees.

12.4 Appeals, revision or petitions arising from one common judgement or order will be considered together as one case if they are heard together.

12.5. Uncontested matters.

In uncontested cases, the fee shall be 1/3rd of the fees otherwise payable but if such a case is later on restored and decided in contest, the remaining 2/3rd of the fee will be payable. A case shall be regarded as contested when a decision is given after hearing arguments on both sides. The case shall be deemed to be uncontested if the court decides that the case is a covered one. For example if the court follows its own judgement or judgement of the Supreme Court, the case is considered to be a covered one. In case of any dispute, the Chief Commissioner/Director General/Commissioner/Director shall decide whether the case is uncontested or not.

12.6 No fees for adjournment

No fee will be payable to the Counsel if an advance notice about the adjournment has been issued or the case has been adjourned at his request due to the reasons personal to him.

12.7 Late submission of certified copies of the judgement:

30% of the fees payable to the Counsel shall be deducted if the Certified copy of the judgement is not handed over to the Commissioner/Director of the Department within ten days (excluding the time taken by the Court) from the date of judgement.

12.8 Where there are two or more cases (but not more than 10 cases) involving substantially identical questions of law or facts, one such case will be treated as the main case and the others as connected cases. The fees in such cases will be regulated as provided in succeeding paras, irrespective of the fact whether or not such cases are heard together.

12.8.1 When the Counsel files separate and materially different affidavits, applications or grounds of appeal etc. in more than one case but the argument is heard in the main case and the other cases are decided accordingly, the Counsel shall be paid the full fees in the main case and Rs.200/- for each of the connected cases.

12.8.2 When the main case has been heard as in para 12.8.1, but in the connected cases either affidavit or grounds of appeal or petition similar to the one in the main case has been

drafted, the Counsel shall be paid the full fees in the main case and Rs.150/- only in each of the connected cases.

12.8.3 When substantially different affidavits are drafted in connected but uncontested cases, the Counsel shall get 1/3rd fees in the main case and Rs. 300/- in each of the connected cases.

12.8.4 When the Counsel has drafted the affidavit, petition or ground of appeal in the main uncontested case and has not drafted them in the connected but uncontested cases or the drafts in the connected but uncontested cases are substantially similar to the one in the main case, the Counsel shall get 1/3rd fees in the main case and Rs.150/- in each of the connected cases.

12.9 The fees to the Counsel will be paid on presentation of a stamped receipt, and on submission of copy of the document drafted, if it is a drafting fee and submission of minutes or gist of proceedings, or a copy of order/judgement where it is necessary in case the claim is for appearance fee. The Counsel shall submit his bills within three months from the date on which the fees have accrued.

12.10 The fees will be payable in two stages, 1/3rd fees after substantial work has been carried out and the remaining 2/3rd fees after the case has been decided. If the high court decides that no question of law is involved only 1/3rd of the fees shall be payable to the Counsel.

12.11 Where during the pendency of a proceeding, there is a change of Counsel, a fee commensurate to the work carried out by the outgoing Counsel, not exceeding 1/3rd of the total fee admissible for the case, may be paid to him. In such an event, only the balance of fee payable in the case will be paid to the new Counsel after completion of the case.

12.12 When the Counsel does not argue the case himself but only assists the Law Officer or any other special Counsel, he will be entitled to the same fee as is payable to him as if the case has been argued by him.

12.13 No fee will be admissible for preparation of cases but the Government may consider payment of separate fee for preparation in special cases involving arduous work.

12.14 When cases argued before a single judge are referred to a division bench or to a full bench, separate fee at the prescribed rates will be paid for appearance before each bench.

13. The various terms used in these guidelines will have the following meaning

13.1. Substantial and Effective hearing

A Substantial and effective hearing is one in which either one or both the parties involved in a case are heard by the Court. If the case is mentioned and adjourned or only directions are given or only judgement is delivered by the Court, it would not constitute a substantial and effective hearing.

13.2. Uncontested case

Cases shall be deemed to be uncontested if these are withdrawn by the plaintiff/appellant or are dismissed in limine or are otherwise decided by the Court ex-parte. Covered cases shall also be deemed to be uncontested cases.

13.3 Covered cases

Where an identical issue stands decided by the same High Court or by the Supreme Court and the judgement in the relevant case is squarely based on such earlier decision of the same High Court or by the Supreme Court, the case shall be deemed to be a covered case.

13.4 Substantial work

Hearing of applications u/s 130/130A of the Customs Act/Sec 35 G/Sec 35 H of the Central Excise Act and the Finance Act,1994 shall be treated as substantial work. Where a case has been admitted by the court after hearing of preliminary objections or filing of affidavits/counter affidavits etc. by the counsel, substantial work will be deemed to have been carried out.

13.5 Monthly fixed cost

Charges such as retainership fees, telephone charges and such other fixed charges, if any, payable to a Counsel shall be borne by one Commissioner only, so nominated in this regard by the Central Board of Excise and Customs

Proforma – A

Particulars to be furnished by an advocate/other eligible person applying for appointment as Jr./Sr/Standing Counsel.

1. Name of the person
2. PAN – Permanent Account Number
3. Father's Name
4. Date of Birth
5. Address for correspondence
6. Permanent address
7*. Educational Qualification
8. Category of counsel for which applied (Jr. Standing Counsel/ Sr. Standing Counsel)
9*. Date of enrollment in High Court as counsel.
10*. Date of empanelment as member of Bar Council of High Court.
11. If partner in a firm, name/names of the firm and other partners.
12*. Number of cases relating to indirect taxes dealt with during last 3 years as an Advocate.
13. Number of cases published in Journals/Newspapers etc.
14. Income from professional practice (copy of the latest IT return to be attached)

****

Verification

I, D/o/S/o do hereby declare that what ever has been stated in the above application is true to the best of my knowledge and belief.

Signature

Dated :

Place :

* Applicant to submit documentary proof with respect to aforesaid items/Information.

Proforma A-I

Proforma for application by officers who have retired from the Custom and Central Excise Department or retired/resigned as Member /Vice President/ President CESTAT/ Chairman /Member of Settlement Commission

1. Name of the person
2. Pan – Permanent Account Number
3. Father's Name
4. Date of Birth
5. Address for correspondence
6. Permanent address
7*. Educational Qualification
8. Date of joining Customs and Central Excise Department
9. Designation and office address of the last post held
10. Date of retirement/resignation from the service
11*. Date of enrollment in High Court as Counsel
15. Date of empanelment as member of Bar Council of High Court.
13. If a partner in a firm, name/names of the firm and other partners.
16. Category of counsel for which applied (Jr. Standing Counsel/Sr. Standing Counsel).

****

Verification

I D/o/S/o

do

hereby declare that what ever has been stated in the above application is true to the best of my knowledge and belief. I further declare that I have not been removed from the service due to any disciplinary proceeding and no disciplinary proceedings under service rules or Pension Rules are pending against me as on date.

Signature

Dated:

Place :

* Applicant to submit documentary proof with respect to aforesaid items/information

Proforma- B

Particulars/evaluation report of a person applying for appointment as Jr./Sr./Standing Counel.

1. Name :
2. Date of enrollment in High Court as counsel :
3. Date of empanelment as member of Bar Council of High Court. :
4. Number of cases relating to Indirect Taxes dealt with during last 3 years as an Advocate. :
5. Number of cases published in Journals/ Newspapers etc. :
6. Income from professional practice :
7. Chief Commissioner of Custom/ Excise recommendations based on the cases dealt by the applicant with regard to flair relating to Indirect Tax knowledge emanating from the presentation by the Counsel and other factors. :

(Chief Commissioner of Customs / Central Excise)

****

Proforma – C

Half yearly Proforma report to be sent case wise by Jurisdictional CCE/CC /ADG to the Jurisdictional Chief Commissioner of Customs/Central Excise / Director General in respect of cases represented by a Standing Counsel

Report for the Period from _____ to _____ 200__

1	Name of the Case	
2	Name of Sr. Standing Counsel representing The case	
3	Name of Jr. Standing Counsel representing The case	
4	Court/Tribunal before which proceedings are pending	
5	Issues involved	
6	Revenue involved (Rs.in Lakhs)	
7	(a) Whether proceedings are pending/case has been decided, if yes the out come, in brief (b) Number of adjournments taken	
8	Comments of Commissioner of Customs/ Excise (if any), about quality of Drafting, interest taken by the Counsel(s) (at Column 2 & 3)/time devoted in interaction with the departmental officers, overall representation of the case	

(Name and Seal
of the Commissioner/ADG indicating
the Jurisdiction)

Proforma – D

Annual performance report of the appointed Counsels

1.	Name of the Chief Commissionerate	
2.	Name of the Counsel	
3.	Category	
4.	Date of Birth	
5.	Date of Appointment &CBEC's ref.no.	
6.	Date of Expiry of Tenure	
7.	Ref. No. of CBEC's Sanction letter vide which last renewal, was granted	
8.	Number of appeals handled during the period under report	
9.	Number of appeals out of 8 above decided by the High Court a. in favour of the department b. against the department	
10.	Number of Writ Petitions handled during the period under report	
11.	Number of Writ Petitions out of 10 above decided by the High Court a. in favour of the department b. against the department	
12	Number of cases/appeals handled before the CESTAT/other courts	
13.	Number of cases out of those in Col.12 above, decided a. in favour of the department b. against the department	
14	General Assessment of overall performance of the Counsel	

(Chief Commissioner of Customs / Central Excise)

Proforma – E.

Evaluation report on the performance of the Standing Counsel for the period _____ _____ to _____ for the purpose of renewal of appointment

Part I

1.	Name of the Chief Commissionerate	
2.	Name of the Counsel	
3.	Category	
4.	Date of Birth	
5.	Date of 1st Appointment	
6.	Date of Expiry of Tenure	
7.	Ref. No. of CBEC's Sanction letter vide which appointment/ last renewal was granted.	

Part-II

8.	Number of references handled during the period under report	
9.	Number of references decided by the High Court a. in favour of the department b. against the department	
10.	Number of Writ Petitions handled during the period under report	
11.	Number of Writ Petitions decided by the High Court a. in favour of the department b. against the department	
12.	Number of cases/appeals handled before the CESTAT/other courts.	
13.	Number of cases out of those in Col.12 above, decided a. in favour of the department b. against the department	

Part –III

(To be filled by the Chief Commissioner of Customs/ Central Excise/Director General)

14.	Are you satisfied with the performance of the Counsel	
15/	Does he/she take keen interest in his work and is generally alert and responsive in Department's interest in various litigation entrusted to him/her. Specific comments should be given about his/her promptness in a. Informing the department from time to time regarding hearing of cases, supply of copies of judgement etc. b. Taking steps for vacation of stay	
16.	Would you recommend his/her continuance	
17.	Any other remarks regarding performance of the counsel.	

Chief Commissioner of
Custom/Central
Excise/Directors General

****