

**OFFICE OF THE COMMISSIONER OF CUSTOMS, (NS-IV)
JAWAHARLAL NEHRU CUSTOM HOUSE, NHAVA SHEVA,
TALUKA-URAN, DIST.-RAIGAD, MAHARASHTRA - 400 707.**

F. No. S/26-Misc-724/17-18/CLC/Admn

Date: 29/05/2018

STANDING ORDER NO. 17/2018

Sub: Standard Operating Procedure to deal with Cases in Centralised Legal Cell in JNCH, Mumbai Zone-II -reg.

At present, the Centralized Legal Cell is dealing with cases pertaining to Commissioner (Appeals), CESTAT, High Court, Supreme Court and Advance Ruling Authority as well as Settlement Commission Cases. It is seen that at present in almost all the cases, comments are being sought from the concerned Group/Sections. However, due to delay in receipt of comments as well as from the quality of comments received, there is delay in processing of such cases.

2. In view of the above , it has been decided that now onwards, the Centralized Legal Cell, will examine the orders of Supreme Courts/High Courts/ Lower Courts on merits as well as on monetary limits. If it is felt that comments are required to verify the factual information or due to some other inevitable reason, then only such comments will be called for with the approval of Additional Commissioner in charge CLC. Thereafter, such orders, after scrutiny shall be processed and put up to respective Additional Commissioner/ Jt. Commissioner who will further examine the same and submit to the concerned Commissioner with his observation. If it is decided to file appeal against such order, the proposal for filing SLP in Hon'ble Supreme Court shall be prepared by the Centralized Legal Cell and forward the same to Board in terms of Board's instruction No. 935/25/2010 dated 21.09.2010.

3. It is directed that the copy of the Court Orders along with proposal for filing SLP shall also invariably be sent to the concerned Group/Sections. Also the copy of Court decision which is accepted shall be sent to the Group/sections immediately.

4. In addition to above, all the copies of Appeals/ Writ Petitions filed in Hon'ble High Court/Supreme Court shall be received in the Centralized Legal Cell. On receipt of said Appeal/Writ Petition, the CLC will get appointed the Panel Counsel in case of High Court cases and intimation of the same along with copy of Appeal/Writ petition shall be sent to the concerned group/section for preparing Vakalatnama in favour of appointed Panel Counsel and for submission para-wise comments etc. to defend the case.

5. In case of Hon'ble Supreme Court Appeal, the Vakalatnama in the name of Central Government Advocate, Central Agency Section shall be prepared by Centralized Legal Section and the same shall be sent immediately. Thereafter, comments on the said Writ Petition/ Appeal shall be called for from the concerned Group/Section and shall be forwarded to Central Agency Section for preparing draft reply.

6. It will be responsibility of the Centralized Legal Cell to see the cause list of High Court on daily basis and intimate the concerned group/section immediately to contact the panel counsel for appearance and co-ordinate on behalf of department.
7. All prosecution/COFEPOSA related work and LIMBS portal shall be attended by Centralized Legal Cell.
8. The Centralized Legal Section will receive all correspondence related to High Court/Supreme Court/Lower Court/Prosecution/COFEPOSA matters pertaining to the Zone. It will maintain centralized record of such receipt and onward movement to different sub-sections of each of the Commissionerates. It will maintain Central data base of the High Court/Supreme Court/Lower Court/Prosecution matters
9. The CLC will also ensure that required comments/ reply/affidavits etc. are filed in time by the concerned Commissionerates. It will compile MPR in respect of High Court/ Supreme Court cases and would be responsible for sending MPR in time.
10. Above procedure shall be in force w.e.f. 1st of June, 2018. Records pertaining to orders of Commissioner (Appeals) and CESTAT orders shall be transferred to Centralised Review Cell.

Sd/-
VIJAY SINGH CHAUHAN
Commissioner of Customs (NS-V)