

INSTRUCTION
Ministry of Finance
Department of Revenue
Central Board of Excise and Customs

New Delhi dated 24th March, 2011

Subject: Settlement of Disputes between one Govt. Dept. and another and one Govt. Dept. and a Public Enterprise and one Public Enterprise and another - Regarding.

Please refer to D.O.F. No. 275/68/91-CX.8A (Pt.), dated 17.-1.1992 addressed by the Member (Central Excise) to all Principal Collectors, and to all Collectors of Customs and Central Excise vide which a copy of Cabinet Secretariat's O.M. No. 53/3/6/91-Cab. dated 31.12.1991 was circulated pertaining to constitution of a committee to give clearance to the disputes between the Government Department and another and one Government Department and a Public Sector Enterprises and Public Enterprises themselves before these are agitated in a Court/ Tribunal. Reference is also invited to subsequent O.Ms issued by the Cabinet Secretariat and the Circulars/ Instructions issued by the Board from time to time on this issue.

2. In a recent judgment dated 17.02.2011, the Constitution Bench of the Hon'ble Supreme Court, while deciding the S.L.P. No. 2538 of 2009 in the case of Electronics Corporation of India Ltd. Vs. Union of India and other matters reported in 2011 (265) ELT 11 (S.C.) has recalled the directions given by the Court in its various orders reported as below:-

I. 1995 Suppl. (4) SCC 541 (ONGC v. CCE) dated 11.10.1991

II. 2004 (6) SCC 437 (ONGC v. CCE) dated 07.01.1994

III. 2007 (7) SCC 39 (ONGC v. City & Industrial Development Corpn.) dated 20.07.2007

3. In view of the above there is no requirement of obtaining approval of the Committee on Disputes for pursuing litigations as was being done. Field formations may now pursue their appeals in the respective Tribunals/ Courts without obtaining clearance from the Committee on Disputes. Proposals which have already been sent to the Committee and no decisions have been taken till 17.02.2011 shall be deemed to be covered by the decision of the

Hon'ble Court

dated 17.02.2011, i.e. COD permission is not required in those cases.

4. The foregoing instructions may be brought to the notice of all concerned for guidance and compliance.

F.No.390/R/262/09-JC

(S.K. Sinha)
Director (Judicial Cell)