

## **E-courts to hear tax cases via webcast**

The unending wait for justice due to the huge backlog of cases may continue. But if the Income Tax Appellate Tribunal (ITAT) has its way, there could be some relief, finally.

The ITAT is mulling e-courts, or simply hearing of cases through webcast, to clear the backlog of cases in smaller towns. It has already given a proposal and plans to start a mock run by early April. Initially, there would be two benches in Mumbai and Delhi that would hear cases through webcasting, said an ITAT official.

ITAT is a body under the law ministry where one can appeal against an order passed by the Income-Tax department.

"E-courts could become a game-changer. Taxpayers will not have to wait for ITAT presiding officers to visit their town once in a blue moon. All they will have to do is file an appeal at the nearest centre and the hearing could be taken up by any bench in Mumbai and Delhi," said K Shivram, a representative of the ITAT Bar Association, who has been working on the idea with representatives from the Institute of Chartered Accountants in India (ICAI).

Shivram is bang on. Consider this: there are over 300 tax assesseees waiting for their appeals to be taken up by the ITAT in Nagpur alone. The Nagpur bench of ITAT, which caters to the entire Vidarbha region in Maharashtra, has not been functioning for many years due to a lack of presiding officers. It is a similar case in Ranchi, where around 500 appeals are pending against the Income-Tax department.

There only 63 sanctioned ITAT benches and 88 members, against the requirement of 126 members. Also, many of these ITAT benches do not work on a regular basis and those functioning are engaged in the hearing of matters from metro cities, where the disputes involved are huge.

ITAT is of the view that it would be feasible to appoint a bench of judges only after 1,000 cases piled up at a centre. In all, there are 11 centers where ITAT benches have not functioned as less than 1,000 cases were registered. As per ITAT, there were around 55,000 pending appeals before it from across the country. Apart from Nagpur and Ranchi, the ITAT bench has not heard cases from Allahabad, Patna, Indore and Rajkot, among others, for many months now.

"There are several assesseees not in a position to pay the dues specified in the demand order, but are under pressure from the taxman. Had the legal recourse been available, such persons may have got a reprieve by securing a stay order. The cases cannot be shifted to other benches, too, as the question of jurisdiction will come into play," said a lawyer.

But, not everyone is convinced by the idea of e-courts. According to Mumbai-based lawyer R B Upadhyay, webcasting alone would not help in clearing the backlog. "To ensure that oral representations do not become an issue, clear rules will have to be laid down for webcasting," said Upadhyay.

According to the minutes of a recent ITAT meeting with Bar Association and ICAI members, in case the assessee does not desire the matter to be heard by e-courts, "option will be given to him to opt out at any time of hearing. There will not be any prejudice caused to the assessee by hearing the matter before e-tribunal and he will be given a full opportunity to represent the matter."

For representing the matter before an e-tribunal, a consultant need not be technically savvy or invest any amount on computers, etc for making a representation. All these facilities will be provided at the nearest ITAT centre.

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