

पत्र संख्या—न्याय/एस0एल0पी0/2024-25/
प्रेषक,

1067

/ वाणिज्य कर

आयुक्त, वाणिज्य कर,
उत्तर प्रदेश, लखनऊ।

सेवा में,

- 1.अपर आयुक्त ग्रेड-1 (उ0न्या0कार्य), वाणिज्य कर, प्रयागराज।
- 2.अपर आयुक्त ग्रेड-2 (उ0न्या0कार्य), वाणिज्य कर, लखनऊ।

(वाद अनुभाग)

लखनऊ :: दिनांक :: 13 सितम्बर, 2024

विषय— मा0 उच्चतम न्यायालय में विशेष अनुज्ञा याचिका दायर किए जाने हेतु प्रक्रिया निर्धारण के सम्बन्ध में।

महोदय,

कृपया श्री आलोक कुमार त्रिपाठी, मुख्य स्थायी अधिवक्ता-5, मा0 उच्च न्यायालय, इलाहाबाद के पत्र दिनांक 11.07.2024 (प्रति संलग्न) का संदर्भ ग्रहण करने का कष्ट करें, जिसके द्वारा दिनांक 05.07.2024 को प्रयागराज में आयोजित मीटिंग का कार्यवृत्त प्रेषित करते हुए प्रस्तर-2 में निम्नवत् उल्लेख किया गया है -

2.To get `opinion in the matters of filing writs/SLP- There has been a huge confusion among the field officers regarding the process to get legal opinion in the matters of writ/SLP after various clarifications issued on the basis of circular dated 08.04.2021 and circular No-451 dated 14.06.2024 issued by Commissioner, Commercial Tax. It must be noted that any proceeding related to any case whether to get legal opinion for filing SLP or filling Counter Affidavits is the final responsibility of array of the party of the case. No one other than initial array of the party can be fixed legally responsible for this. The Chief Standing Counsel office is here to give legal opinion or proper assistance to put forward the government's view before Hon'ble Court. Therefore kindly direct the field officers that all proposals should be presented in writing by the Initial Array of the Party and they must be presented in Chief Standing Counsel office with original records within time.

मुख्य स्थायी अधिवक्ता द्वारा उल्लेख किया गया है कि विशेष अनुज्ञा याचिका/रिट से संबंधित मामलों में विधिक राय प्राप्त करने या प्रतिशपथ पत्र दाखिल करने से संबंधित समस्त जिम्मेदारी ARRAY OF THE PARTY (वाद की प्रारंभिक कार्यवाही करने वाला अधिकारी) की होती है। इसलिए मुख्य स्थायी अधिवक्ता द्वारा समस्त फील्ड आफिसर को उक्त संबंध में निर्देशित करने का अनुरोध किया गया है।

मा0 उच्च न्यायालय में प्रतिशपथ पत्र दाखिल करने हेतु तथा विभागीय रिट दायर करने हेतु विधिक राय लेने हेतु संबंधित अधिकारी के स्वयं उपस्थित होने संबंधी आदेश इस कार्यालय के पत्र संख्या-815 दिनांक 30.09.2019 द्वारा पूर्व में जारी किया जा चुका है। मुख्य स्थायी अधिवक्ता के उक्त परामर्श के दृष्टिगत यह निर्देशित किया जाता है कि विशेष अनुज्ञा याचिका संबंधी मामलों

में भी संबंधित अधिकारी स्वयं उपस्थित होकर हाईकोर्ट वर्क्स के माध्यम से स्थायी अधिवक्ता से सम्पर्क कर विधिक राय प्राप्त करेंगे तथा प्रकरण में समयान्तर्गत कार्यवाही पूर्ण कराएंगे। पूर्व परिपत्र इस सीमा तक संशोधित समझा जायेगा।

संलग्नक-उपरोक्तानुसार।

(डॉ० नितिन बंसल)
आयुक्त वाणिज्य कर
उत्तर प्रदेश।

पृष्ठांकन पत्र संख्या व दिनांक उक्त।

प्रतिलिपि-निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. मुख्य स्थायी अधिवक्ता, मा० उच्च न्यायालय, इलाहाबाद को उनके पत्र दिनांक 11.07.2024 के क्रम में।
2. अपर आयुक्त, वाणिज्य कर, गौतमबुद्धनगर, जोन-नोएडा तथा समस्त अपर आयुक्त ग्रेड-1, वाणिज्य कर, उ०प्र० को इस आशय से प्रेषित कि समस्त अधिनस्थ अधिकारियों को निर्देशित करें कि विशेष अनुज्ञा याचिका संबंधी मामलों में भी संबंधित अधिकारी स्वयं उपस्थित होकर हाईकोर्ट वर्क्स के माध्यम से स्थायी अधिवक्ता से सम्पर्क कर विधिक राय प्राप्त करेंगे तथा प्रकरण में समयान्तर्गत कार्यवाही सुनिश्चित करेंगे।
3. ज्वाइण्ट कमिश्नर (सर्वो०न्या०कार्य), वाणिज्य कर, गाजियाबाद को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।
- ✓ 4. संयुक्त आयुक्त (आई०टी०), वाणिज्य कर, मुख्यालय को इस निर्देश के साथ कि उक्त को विभागीय वेबसाइट पर समस्त अधिकारियों के सूचनार्थ प्रकाशित करने का कष्ट करें।

(अमर नाथ यादव)

अपर आयुक्त (विधि), वाणिज्य कर,
उत्तर प्रदेश, लखनऊ।

ALOK KUMAR TRIPATHI
Chief Standing Counsel-V
High Court, Allahabad



Post/Off. : 1N/BA, Thak Nagar, Prayagraj
(Off. Fax) : (0532)-2423050, 2422773
Mobile No. : 9711102806,
9309347282

COURT CASE

Dated Thursday, July 11, 2024

To,

The Commissioner,
State Tax, U.P., Lucknow.

Sub.: Minutes of meeting regarding the meeting held on 05.07.2024 in the chamber of undersigned.

Sir / Madam,

Kindly have reference of my letter dated 27.06.2024, by which a meeting was called at my Chamber No. 4/22, Ambedkar Bnawan, Advocate General Premises, Prayagraj regarding the strict compliance of the order passed by this Hon'ble Court as well as other issues.

Pursuant to the aforesaid, a meeting was convened on 05.07.2024 at my Chamber No. 4/22, Ambedkar Bnawan, Advocate General Premises, Prayagraj and matters were discussed with the officers of Headquarter and High Court Works, Prayagraj of your department.


Kindly issue directions as per the minutes of meeting to make the court proceedings fast and adequate to put forth the Government's view before the Hon'ble Court.

Minutes of meeting dated 05.07.2024 is enclosed herewith for your kind information and necessary action.

Thanking You

Encl:-

Minutes of meeting dated
05.07.2024.


(ALOK KUMAR TRIPATHI)
Chief Standing Counsel-V
High Court, Allahabad.



MINUTES OF MEETING

A meeting has been held on 08.07.2024 in my chamber to discuss some important issues/matters for timely completion / compliance of the court's order / proceedings by State Government. Following officers were presented --

1. Mr Amarnath Yadav, Additional Commissioner (Vidhi) State Tax, Lucknow.
2. Mr Rama Shankar Dwivedi, Additional Commissioner grade-1 (High Court Works) State tax, Prayagraj.
3. Mr Akhilesh kumar Singh, Joint Commissioner (Vaad) State tax, Lucknow.
4. Smt. Monu Tripathi, Joint Commissioner (High Court Works) State tax, Prayagraj.
5. Mr. Devesh Tiwari, Deputy Commissioner (Vaad) State tax, Lucknow.
6. Mr. Shallendra Kumar Upadhyay, Deputy Commissioner (High Court Works) State tax, Prayagraj.
7. Smt. Namrata Verma, Deputy Commissioner (High Court Works) State tax, Prayagraj.
8. Mr. Dinesh Kumar Pandey, Deputy Commissioner (High Court Works) State tax, Prayagraj.

In the meeting some important issues were discussed with the aforesaid officers and they were directed to follow up some directions for better compliance's of the direction issued by the Hon'ble High Court.

1-Timely and proper filing of pending Counter Affidavits- Hon'ble Court has called me in it's chamber several times on this issues and directed me for timely and proper filing of pending Counter Affidavits otherwise ACS/Commissioner may have to be presented in the Court. It has been also noted here that field officers present very late in CSC

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ALOK KUMAR TRIPATHI
Chief Standing Counsel-V
High Court, Allahabad




Hon./Off. : 1N/DA, Tikki Nagar, Prayagraj
(Off. Fax) : (0532)-2423880, 2422773
Mobile No. : 9711102806,
9360347282

office with original records for filing Counter Affidavits. Kindly direct all field officers (who are parties in the cases) to present minimum 5 days before from listing of the case in Chief Standing Counsel office with original records and proposals / narrative signed by them specifically so that all Counter Affidavit shall be prepared in proper manner within time.

2-To get legal opinion in the matters of filing writs/SLP- There has been a huge confusion among the field officers regarding the process to get legal opinion in the matters of writ/SLP after various clarifications issued on the basis of circular dated 08.04.2021 and circular No-451 dated 14.06.2024 issued by Commissioner, Commercial Tax. It must be noted that any proceeding related to any case whether to get legal opinion for filing SLP or filing Counter Affidavits is the final responsibility of array of the party of the case. No one other than initial array of the party can be fixed legally responsible for this. The Chief Standing Counsel office is here to give legal opinion or proper assistance to put forward the government's view before Hon'ble Court. Therefore kindly direct the field officers that all proposals should be presented in writing by the Initial Array of the Party and they must be presented in Chief Standing Counsel office with original records within time.

3-Field officers are doing mistakes regularly in passing orders according to Act. The Learned Additional Chief Standing Counsel Shri Nimai Das and Shri Ankur Agarwal have requested that a video conference meeting should be organised on any non working day of Hon'ble Court with field officers of all zones to discuss the important issues faced during court proceedings.


(ALOK KUMAR TRIPATHI)
Chief Standing Counsel-V
High Court, Allahabad.

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