F No 1080/06/DLA/IDRS/2016
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise and Customs
Directorate of Legal Affairs

New Delhi the 01 June 2016

Instruction

To
All Chief Commissioners, Customs, Central Excise and Service Tax
All Principal Commissioners/ Commissioners, Customs, Central Excise and Service Tax

Sir,
Subject: Indirect Tax Dispute Resolution Scheme, 2016.

The Chapter XI of the Finance Act, 2016 (28 of 2016) comprising of section 212 to 218, is in respect of the Indirect Tax Dispute Resolution Scheme, 2016. The said scheme allows the party in appeal before the Commissioner (Appeals) on 1st March 2016, to file a declaration before the Designated Authority for the purpose of availing the benefit of the scheme.

2. As per clause (e) to sub-section (1) to section 213 of the Finance Act, 2014, the *"designated authority" means an officer not below the rank of Assistant Commissioner who is authorised to act as Assistant Commissioner by the Commissioner for the purposes of this Scheme;*. As per the said clause (e) every Commissioner is required to authorize an officer not below the rank of Assistant Commissioner to function as Assistant Commissioner, Designated Authority for the purpose of this scheme. Accordingly you may get the Designated Authority, specified in your jurisdiction by the concerned Commissioners at the earliest. The details of Designated Authority so specified must be communicated to Commissioner Directorate of Legal Affairs.

3. The Indirect Tax Dispute Resolution Scheme Rules, 2016 has been notified by Notification No. 29/2016-CE(NT) dated 31st May 2016. These rules provide for the forms to be used for making the scheme operational. Following Forms have been prescribed by the said Rules:

(a) Form 1, has been prescribed for making declaration under the scheme.

(b) Form 2, is the form in which the designated authority shall give the acknowledgement about the receipt of declaration by him. Once such an acknowledgement has been given by the designated authority, the proceedings before the Commissioner (Appeals) shall remain suspended for sixty days, and the Commissioner will not proceed any further with the appeal till expiry of said sixty days.

(c) Form 3, is the form to be filed by the declarant giving the details of the amounts deposited by him as required under the scheme. Declarant has to deposit the sums required to be deposited by him within fortnight of the receipt of the dated acknowledgement and report the details of deposit made within seven days of making the deposit to the designated authority.

(d) Form 4, is the form in which the said designated authority shall pass an order of discharge of dues in respect of the case before Commissioner (Appeals) for which the declaration has been made in Form 1.

4. Commissioner will on receipt of the order in Form 4 from the declarant shall match the same with the copy received directly from the designated authority and shall remove the appeal from his pendency as being disposed off. Since the Commissioner (Appeals) has not decided on the issues raised in appeal, said disposal of appeal shall have no binding precedent value.

5. You should publicize the scheme in your jurisdiction so as to make it a success.

6. Any further issue which is noticed by you while making the scheme operational in your jurisdiction should be brought to the notice of board for suitable clarification.

Yours faithfully

S. Srivastava

(Sanjiv Srivastava)
Commissioner (DLA)