

CORPORATE OFFICE TAXATION SECTION 1ST FLOOR, BHARAT SANCHAR BHAWAN JANPATH, NEW DELHI-1		BHARAT SANCHAR NIGAM LIMITED [A Government of India Enterprise]
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No: 1002-01/2011-12/Taxation/BSNL Appeals-CCD/145

Dated 23-07-2011

To

CGMs of Telecom Circles/ Metro Districts/ Maintenance Regions/ Project Circles/ Task Force/Data Network / NCES/ ALTTC/ BRBRAITT/ NATFM/ Q&A/ T&D / Telecom Stores/Telecom Factories/CPAO (ITI Bills)/TCO Kolkata/IT Circle Pune.

Sub: COD permission requirement for filling/ pursuing appeal before Tribunals/ High Court/Supreme Court-reg.

Kindly refer to this office letter of even no. 51 dated 05.05.2011 whereby Supreme Court Judgement dated 17.02.2011 in respect of Electronics Corporation of India Ltd. Vs Union of India was circulated stating that permission from Committee on Disputes (COD) is no more required for filling/ pursuing appeal before Tribunals/ High Courts/Supreme Court in accordance with the said judgment of supreme court. In this connection Legal Cell BSNL CO letter no. BSNL/SECTT/54-2/2010 New Delhi dated 29.06.2011 (**Annexure-I**) vide which following letters was circulated and advised to take note and act accordingly.

1. Ministry of Company Law, Govt. of India letter no. 34(4)/2011-Judl., New Delhi, Dated 3rd March, 2011
2. Copy of clarification regarding COD permission displayed in the website of Cabinet Secretariat, Govt. of India.

In this connection kindly find also enclosed herewith CBEC, Ministry of Finance, Govt. of India letter issued vide F. No. 390/R/262/09-JC dated at New Delhi 24th March, 2011 addressed to all Chief Commissioners, DGs under CBEC etc. (**Annexure-II**) whereby it was directed that

"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 decisions of the Hon'ble Court dated 17.02.2011, i.e. COD permission is not required in those cases."

In view of above it is clarified that Permission from Committee on Disputes (COD) is no more required for filling/ pursuing appeal before Tribunals/ High Courts/Supreme Court. All pending appeals in these Tribunals/Courts may be defended accordingly.

This may also be given wide circulation among all the SSAs/Units of your circle to avoid unnecessary correspondence and delay in disposing off the cases for want of permission of COD.

This issues with the approval of competent authority.


(K. Jothi)
DGM (Taxation)

Copy for information and necessary action to:-

1. IFAs of all BSNL Circles.
2. All PGM/Sr.GM/GM of BSNL Corporate office New Delhi