



**OFFICE OF THE
COMMISSIONER OF INCOME TAX (JUDICIAL)
ROOM NO. 162A, C.R.BUILDING, NEW DELHI-110002**

F. No. CIT(Judicial)/Pros. Counsels/2015/2015-16 /545

Dated : 29.07.2015

NOTICE FOR EMPANELMENT OF PROSECUTION COUNSELS

Applications are invited from advocates of substantial standing and repute and with good academic credentials for the empanelment of Prosecution Counsels for representing prosecution cases of the Income Tax Department in the Economic Offences Court or the appropriate court of Delhi in terms of Instruction No. 1925(F. No. 278/13/88-ITJ Dated 31st March, 1995) of the Central Board of Direct Taxes, New Delhi.

2. Only such advocates who have been in practice for not less than seven years requiring special knowledge of law are eligible for empanelment as a prosecution counsel as per section 280D of the Income Tax Act, 1961. The payment of fees will be governed by Instruction No. 1925 Dated 31st March, 1995 of CBDT, New Delhi and any other instruction which may be issued in due course in this regard.

3. The applications should be submitted in prescribed proforma-A, through Regd. Post or by hand in a sealed cover, addressed to Income Tax Officer (Prosecution), Room No. 152A, C.R. Building, I P Estate, New Delhi-110002. The application proforma, eligibility and terms and conditions of empanelment can be accessed at <http://www.incometaxindia.gov.in> or may be obtained from the office of ITO (Prosecution). All the documentary proof should be submitted alongwith the application. The Prosecution Counsels who have either resigned earlier or whose empanelment has been terminated by this office for the reason of non-reporting to work or for any other reason cannot apply.

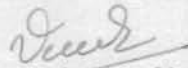
4. Canvassing in any form shall constitute a disqualification.

5. For the purpose of experience as mentioned in the para 2 above the cutoff date for eligibility will be 31.07.2015.

6. The applications received earlier to this advertisement or received through any other channel or received after the due date are liable to be rejected. Applications, deficient in any respect, shall also be summarily rejected.

7. The last date for receipt of the applications is 14-08-2015 upto 5.00 PM.

8. A copy of this Notice is also available at the Department's website i.e. www.incometaxindia.gov.in


Addl. Commissioner of Income Tax
(Judicial), New Delhi.

THE ELIGIBILITY, TERMS AND CONDITIONS FOR EMPANELMENT & DUTIES OF PROSECUTION COUNSELS IN INCOME TAX DEPARTMENT DELHI	
ELIGIBILITY	
1	A person should be eligible to appear before the Court as an advocate.
2	A person should have a minimum experience of 7 years of appearing before the court as an advocate requiring special knowledge of law and handling matters of criminal proceedings. In addition persons with experience in handling matters under direct tax laws will be preferred.
3	The Prosecution Counsels, who have either resigned earlier or whose engagements have been terminated by this Office for the reason of non-reporting to work, cannot apply.
TERMS AND CONDITIONS	
1	The First engagement of each Counsel shall normally be for a period of three years.
2	The renewal of the term of engagement of a counsel shall be generally for a period of three years if his performance is found to be satisfactory. Before making recommendation for renewal of the term, the C.C.I.T. shall make an evaluation of the performance of the counsel during the preceding term.
3	The engagement of the counsel would be terminable through written intimation by either side without assigning any reason with written prior notice of thirty days. The C.C.I.T. is authorized to act on behalf of the department for the purpose. On expiry of the term or termination or resignation, the Counsel shall immediately handover the briefs and other related papers to the Commissioner of Income Tax concerned or the other Counsels nominated by the C.C.I.T. for the purpose.
4	The Counsel will have the right of private practice, which should not, however, interfere with the efficient discharge of his duties as counsel of the Department but he shall not advise, hold briefs or appear against the department before any authority or Court in matters under the statutes relating to prosecution under the direct taxes.
5	If the counsel is a partner of a firm of lawyers or solicitors, it will be incumbent upon the firm not to take up any case against the department in the Court concerned or before any authority falling within the jurisdiction of the said Court or any case against the department in other courts arising out of the matter falling within the jurisdiction of the said Court.
6.	The prosecution counsel shall:
i	Draft & file complaints within reasonable time on behalf of the department.
ii	Represent the department on each & every hearing in respect of each & every case assigned to him.
iii.	File reply/information/documents/reports etc. before the Court on behalf of the department.
iv	Communicate defect/objection in the complaint(s), if any & take prompt steps to rectify the same with the help of concerned C.I.T./Assessing Officer.
v	Appear on behalf of the department in the Courts/ other judicial forums, as required in

		the cases assigned to him;
	vi	Appeal on behalf of the department in the Court of A.S.J. as & when requested.
	vii	Submit the intimation regarding Court proceedings through special messenger on day to day basis in respect of each & every case/hearing in the Office of the Deputy Commissioner of Income Tax (Prosecution), New Delhi well in time so that the same can be communicated to concerned authorities. For necessary compliance.
	viii	Submit the certified copies of orders issued by Ld. Court through special messenger on priority basis in respect of each & every case with specific remarks in the Office of the Deputy Commissioner of Income Tax (Prosecution), New Delhi well so that the same can be communicated to concerned authorities. For necessary action.
	ix	Submit the professional bill on monthly basis.
	x	Perform such other duties of legal nature, which may be assigned to him by the department.
	xi	Follow the instruction(s)/direction(s) issued by the department by time to time.

PROFORMA-A		
Particulars to be furnished by the Advocate applying for engagement as Prosecution Counsel		
1	Name of the person	
2	Permanent Account Number	
3	Father's name	
4	Date of birth	
5	Address for correspondence	
	e-mail id	
	Telephone/Mobile No./ Fax No.	
6	Permanent Address	
7 *	Educational qualifications	
8 *	Date of enrolment as an advocate in the State Bar Council and Registration No.	
9	If a partner of a Firm, name(s) of Firm(s) and other partner(s)	
10 *	Number of cases relating to criminal proceedings and also relating to direct tax laws dealt with in last 7 years.	
11*	Number of cases published in Journals/ Newspapers etc.	
12	Income from professional practice. (copy of latest Income Tax Return to be attached)	
VERIFICATION		
I.....son/daughter of.....do hereby declare that whatever has been stated in the above application is true to the best of my knowledge and belief.		
Date		(Signature)
Place		
*Applicant to submit documentary proof with respect to aforesaid items/ information.		

UNDERTAKING		
I.....son/daughter ofdo hereby declare that if engaged by the Department, I shall fully abide by the terms & conditions of the engagement.		
Date		(Signature)