

PROFORMA FOR MAKING REFERENCE TO THE HIGH POWER COMMITTEE SET UP IN THE CABINET SECRETARIAT IN PURSUANCE OF THE ORDERS OF THE HON. SUPREME COURT DATED 11.10.91 FOR AUTHORISING PUBLIC SECTOR UNDERTAKINGS/MINISTRIES TO INITIATE/PURSUE LITIGATION IN COURT/TRIBUNAL.

- (1) Parties to the dispute :
- (2) (a) Name of the Court/Tribunal where the appeal is to be filed/is pending :
- (b) Subject matter of the dispute [not exceeding 25 words]. :
- (c) Amount involved :
- (d) Tax incidence [**must be indicated for disputes on taxation matters**]. :
- (3) (a) (i) number and date of the order - appealed/to be appealed- against :
- (ii) name of the quasi judicial authority which passed the order :
- (iii) the order-appealed-against in brief [**a copy of the order is also to be enclosed**]. :
- (b) any other document referred to, in support of the claim, need not be annexed; however, it may be produced in the meeting of the Committee. :
- (c) in the event of the reference being of deferred cases, it should reflect the reason for deferment, the action taken in pursuant to the direction of the Committee and justification for re-submission of the matter for the consideration of the Committee. :
- (4) (a) Date on which, the reference is made to the Committee and the relevant documents, sent to the respondent i.e., CBEC/CBDT/ any other party to the dispute. :
- (b) Is the reference submitted within one month of filing appeal in the Court/Tribunal (refer to Supreme Court order dated 7.1.94) : Yes/No
- (c) If no, the reasons thereof :
- (5) Background of the dispute (not exceeding one page) [it shall include the questions of fact or of law involved in the dispute with brief description on the issues involved]. :
- (6) Whether the reference has the approval of Secretary/ CEO. : Yes/No  
[all references to COD must bear approval of CEOs in case of PSUs.
- (7) Any other issue considered relevant to the case. :

**[N.B.**

- (i). 15 copies of the requisite note have to be sent to the Cabinet Secretariat for internal and external circulation.
- (ii). Copies of extracts of the relevant portions/provisions of Acts or rules etc. under reference pertaining to the case matter and to the year under reference may be enclosed with the note for reference to the COD.
- (iii). The documents and annexures which are attached with the proforma sent for the consideration of the Committee on Disputes must be legible; if necessary, retyped and certified copies may be sent; and
- (iv). copies of Government orders, notifications etc. referred to in the applications sent for the consideration of the COD should also be attached.]