

भारत सरकार, वित्त मंत्रालय  
राजस्व विभाग, न्यायिक सेल  
(केन्द्रीय अप्रत्यक्ष कर एवं सीमाशुल्क बोर्ड)

4 वीं मंज़िल, B विंग, हुडको विशाला बिल्डिंग  
नई दिल्ली दिनांक .8.2024

**Subject:** Reduction of Government litigation – raising of monetary limits for filing appeals by the Department before CESTAT, High Court and Supreme Court in legacy Central Excise & Service Tax -reg.

In exercise of powers conferred by section 35R of the Central Excise Act, 1944 made applicable to Service Tax vide section 83 of the Finance Act, 1994, and in partial modification of the Board instructions issued from F. No. 390/Misc./163/2010-JC dated 17.08.2011, the Central Board of Indirect Taxes and Customs hereby fixes the following monetary limits below which appeal shall not be filed in the CESTAT, High Court and Supreme Court:

S. No.	Appellate Forum	Monetary limit
1.	CESTAT	Rs. 60 lakh
2.	High Court	Rs. 2 Crore
3.	Supreme Court	Rs. 5 Crore

2. This instruction applies only to legacy issues i.e., matters relating to Central Excise and Service Tax, and will apply to pending cases as well.
3. Adverse judgements relating to the following should be contested irrespective of the amount involved -
  - a. Case where the constitutional validity of the provisions of an Act or Rule is under challenge; or
  - b. Case where Notification/ Instruction / Order/ Circular has been held illegal or ultra vires.
4. Except for the above, all other terms and conditions of Instructions dated 17.08.2011 stands.
5. Relevant extracts from Section 35R of the Central Excise Act, 1944 are reproduced below for ease of reference-

*(2) Where, in pursuance of the orders or instructions or directions, issued under sub-section (1), the Central Excise Officer has not filed an appeal, application, revision or reference against any decision or order passed under the provisions of this Act, it shall not preclude such Central Excise Officer from filing appeal, application, revision or reference in any other case involving the same or similar issues or questions of law.*

*(3) Notwithstanding the fact that no appeal, application, revision or reference has been filed by the Central Excise Officer pursuant to the orders or instructions or directions issued under sub-section (1), no person, being a party in appeal, application, revision or reference shall contend that the Central Excise Officer has*

*acquiesced in the decision on the disputed issue by not filing appeal, application, revision or reference.*

*(4) The Commissioner (Appeals) or the Appellate Tribunal or court hearing such appeal, application, revision or reference shall have regard to the circumstances under which appeal, application, revision or reference was not filed by the Central Excise Officer in pursuance of the orders or instructions or directions issued under sub-section (1).*

6. Difficulties faced in implementation of these Instructions, if any, may be brought to the knowledge of the Board.

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