

Instructions by CBEC to field officers with regard to issuance of summons

29 January 2015



The Central Board of Excise and Customs (CBEC) has recently issued instructions (Instruction F. No. 207/07/2014-CX-6, dated 20 January 2015) to the Central Excise and Service Tax officers to limit the issuance of Summons, more particularly to top officials of companies.

The instructions state that, while Summons can be used in an inquiry to record statements or for collecting evidence/documents, it should not be issued as a routine measure, when a simple letter, politely worded, can also serve the purpose of securing documents relevant to an investigation.

The following guidelines have been issued to the officers:

- Where summons are issued by Superintendents, this should be out only after obtaining a prior permission from an officer not below the rank of an Assistant Commissioner, after recording reasons for issuance of the summons in writing;
- Where, for operational reasons, it is not possible to obtain such prior written permission, oral/telephonic permission may be obtained and the same should be reduced to writing and conveyed to the officer granting the permission, at the earliest opportunity;

- The officer issuing the Summons should submit a report or should record a brief of the proceedings in the case file and submit the same to the officer who had authorised the issue of the Summons;
- Summons to senior management, such as: CEOs, CFOs, General Managers of large companies or a PSU should not generally be issued at the first instance. Only in cases where investigation indicates that there is involvement of such officials, Summons may be issued to them.

Our comments

The instructions are positive and a welcome step from the Board, wherein it has streamlined the process of issuance of summons. This process has, so far, been a routine practice used to call for regular information, including copies or returns or financial statements. Similar clarification was earlier issued by the Board in 1989 and in 2007. It is expected that the above instructions would be followed/implemented by the field formation authorities at ground level, so as to meet the overall objective.

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Ahmedabad

Commerce House V, 9th Floor,
902 & 903, Near Vodafone House,
Corporate Road,
Prahlad Nagar,
Ahmedabad – 380 051
Tel: +91 79 4040 2200
Fax: +91 79 4040 2244

Bengaluru

Maruthi Info-Tech Centre
11-12/1, Inner Ring Road
Koramangala, Bangalore 560 071
Tel: +91 80 3980 6000
Fax: +91 80 3980 6999

Chandigarh

SCO 22-23 (1st Floor)
Sector 8C, Madhya Marg
Chandigarh 160 009
Tel: +91 172 393 5777/781
Fax: +91 172 393 5780

Chennai

No.10, Mahatma Gandhi Road
Nungambakkam
Chennai 600 034
Tel: +91 44 3914 5000
Fax: +91 44 3914 5999

Delhi

Building No.10, 8th Floor
DLF Cyber City, Phase II
Gurgaon, Haryana 122 002
Tel: +91 124 307 4000
Fax: +91 124 254 9101

Hyderabad

8-2-618/2
Reliance Humsafar, 4th Floor
Road No.11, Banjara Hills
Hyderabad 500 034
Tel: +91 40 3046 5000
Fax: +91 40 3046 5299

Kochi

Syama Business Center
3rd Floor, NH By Pass Road,
Vytilla, Kochi – 682019
Tel: +91 484 302 7000
Fax: +91 484 302 7001

Kolkata

Unit No. 603 – 604,
6th Floor, Tower – 1,
Godrej Waterside,
Sector – V, Salt Lake,
Kolkata 700 091
Tel: +91 33 44034000
Fax: +91 33 44034199

Mumbai

Lodha Excelus, Apollo Mills
N. M. Joshi Marg
Mahalaxmi, Mumbai 400 011
Tel: +91 22 3989 6000
Fax: +91 22 3983 6000

Pune

703, Godrej Castlemaine
Bund Garden
Pune 411 001
Tel: +91 20 3050 4000
Fax: +91 20 3050 4010

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