

**GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
DEPARTMENT OF LEGAL AFFAIRS**

**LOKSABHA**

**UNSTARRED QUESTION NO.3810**

**TO BE ANSWERED ON FRIDAY, THE 25<sup>th</sup> MARCH, 2022**

**National Litigation Policy**

3810 SHRI SANJAY SETH:

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the Government proposes to formulate a National Litigation Policy as litigation is becoming a serious problem in the country;
- (b) if so, the details and the framework of the proposed policy;
- (c) whether the Government has taken any steps to reduce the number of litigations during the last three years;
- (d) if so, the outcome of the said steps;
- (e) whether the number of said cases has decreased during the last two years; and
- (f) if so, the details thereof, State-wise?

**ANSWER**

**MINISTER OF LAW AND JUSTICE**

**(SHRI KIREN RIJIJU)**

(a) & (b): Yes, Sir. It has already been proposed to bring National Litigation Policy with the objective to lay down guidelines for preventing, controlling and reducing litigation, keeping in view the policy & plans of the Government, in a cohesive and organized manner.

(c): With the objective to reduce litigation, Ministries and Departments like the Railways and Department of Revenue, involved in a high number of litigations have been taking several measures for reducing the number of Court cases. Ministry of Railways have issued instructions for effective monitoring of Court cases at all levels. Zonal Railways and Production Units have been asked to take effective steps to reduce the number of cases in which the Government is a party and reduce the burden of courts, expedite finalization of all the cases in all courts at the earliest and to cut

down the expenditure in contesting court cases. For achieving this, emphasis has been laid on effective monitoring of cases by having regular meetings with empanelled advocates, for briefing and necessary directions to be given at the highest level, besides ensuring timely submission of replies, Counter replies and necessary documents to the advocates.

The Central Board of Direct Taxes (CBDT) and the Central Board of Indirect Taxes and Customs (CBIC) under the Department of Revenue, have issued a slew of instructions and brought in several measures, for reducing litigations and the resultant burden on Courts. While the CBDT has issued circulars directing the field Officers that pending appeals before Income Tax Appellate Tribunals/High Courts/Supreme Court with tax effect below the specified limits may be withdrawn/not pressed, and in the process facilitating a better and concerted focus on high demand litigations. CBDT has also clarified to the field officers that appeals should not be filed merely because the tax effect in a particular case exceeds the prescribed monetary limits and the filing of an appeal should be decided strictly on the merits of the case.

Similarly, the field formations under the CBIC have been instructed to withdraw appeals pending in High Courts/Customs Excise and Service Tax Appellate Tribunal, where the Supreme Court has decided on identical matter. Besides, CBIC has also instructed its field formations not to contest further in appeal where the issue has been lost in two stages of appeals. It has been decided, however, that in cases where it is felt that the issue is fit for further appeal, then on proper justification and approval of the Zonal Chief Commissioner, an appeal can be filed for the third time. Also, the field formation have been instructed to forward only those SLP proposals where in the issue involves substantial question of law or gross perversity or illegality in the appreciation of evidence.

In this direction, both the CBDT and the CBIC have also enhanced the threshold monetary limit for filing appeals, the details of which are as follows:

CBDT:

<b>For filing appeals</b>	<b>Monetary limit</b>
Before Income Tax Appellate Tribunal	Rs. 50 lakhs
Before High Court	Rs.1 Crore
Before Supreme Court	Rs.2 Crore

CBIC:

<b>Monetary limits for filing appeals in cases relating to Central Excise and Service Tax</b>			<b>Monetary limits for filing appeals in cases relating to Customs</b>		
Before CESTAT	Before High Court	Before Supreme Court	Before CESTAT	Before High Court	Before Supreme Court
Rs.50 lakhs	Rs.1 Crore	Rs.2 Crore	Rs. 5 lakhs	Rs.10 lakhs	Rs.25 lakhs

The Government introduced SabkaVishwas (Legacy Dispute Resolution) Scheme, 2019 through the Finance (No. 2) Act, 2019, which was notified by CBIC to come into force from 1st September 2019. SVLDRS was a resolution-cum-amnesty scheme and one of the main objectives of the scheme was to reduce litigation in various indirect tax enactments, which have been subsumed in the Goods and Services Tax Act, 2017.

The alternative mechanism for the resolution of Inter-Ministerial/Departmental disputes also provide for an institutionalized mechanism for resolution of such disputes, namely, Administrative Mechanism for Resolution of Disputes (AMRD). This was framed by the Department of Legal Affairs and circulated *vide* O.M. dated 31.03.2020. This mechanism, applicable to disputes other than taxation disputes, will reduce litigations in courts and resolve the cases outside the court system, where both parties are Govt. Department or where one party is Govt. Department and other is its instrumentalities, (CPSEs/Boards/ Authorities, etc.).

To resolve the commercial disputes between Central Public Sector Enterprises *inter-se* and Central Public Sector Enterprises and Government Departments/Organizations in place of the earlier 'Permanent Machinery of Arbitration', a new scheme, namely, "Administrative Mechanism for Resolution of CPSE Disputes (AMRCD)" evolved by Department of Public Enterprises has been brought into effect w.e.f. 22.05.2018.

The Commercial Courts Act, 2015 was amended in 2018 to inter-alia provide for Pre-Institution Mediation and Settlement (PIMS) mechanism. Under this mechanism a party which does not contemplate any urgent interim relief in a subject-matter of commercial dispute of specified value of Rs.3 lakh and above has to first exhaust the remedy of PIMS to be conducted by the authorities constituted under the Legal Services Authorities Act, 1987, before approaching the Court.

Further for facilitating quick disposal of disputes outside the court systems by way of alternate dispute redressal mechanism of mediation, the Mediation Bill, 2021 has been introduced in the RajyaSabha which *inter-alia* providing for pre-litigation mediation by the parties.

(d) : In pursuance to the Criminal Law (Amendment) Act, 2018, the Department of Justice has implemented a scheme for setting up 1023 Fast Track Special Courts (FTSCs) for expeditious trial and disposal of cases related to rape and POCSO. The scheme, which was originally conceived for one year, has been further continued for two more Financial Years, i.e. 2021-22 and 2022-23. This is a Centrally Sponsored Scheme (CSS) which started in October 2019. As on 28.02.2022, 712 FTSCs including 399 exclusive POCSO Courts are functional in 27 States/UT (Goa is yet to operationalize FTSCs. West Bengal, Andaman & Nicobar Island and Arunachal

Pradesh have still not joined the Scheme) which disposed more than 81,400 cases and 1.86 lakh cases pending in FTSCs of 27 States/UTs till February, 2022.

As a result of CBIC Instructions F. No.390/Misc/116/2017-JC dated 22.08.2019 regarding the threshold monetary limit for filing appeals, status of withdrawal of appeals in Supreme Court, High Courts and CESTAT are as under:-

<b>Forum</b>	<b>Application filed for withdrawal</b>	<b>Withdrawn</b>	<b>Order awaited for withdrawal</b>
<b>Supreme court</b>	218	154	64
<b>High Court</b>	824	666	158
<b>CESTAT</b>	2240	2003	237

Details of discharge certificate (SVLDRS-4) issued under 'Litigation category' in SVLDRS, 2019 are as under-

	<b>Number of Applications</b>
Discharge Certificate Issued by SVLDRS system Application	51,712
Discharge Certificate Issued Manually	18
<b>Total</b>	<b>57,730</b>

(e): Yes, Sir.

(f): As per information available regarding Central Board of Indirect Taxes & Customs (CBIC), zone-wise details of pending cases in Supreme Court, High Court and CESTAT for last 02 years are at **Annexure**.

**ANNEXURE TO LOK SABHA UNSTARRED QUESTION NO. 3810 FOR 25.03.2022  
REGARDING "NATIONAL LITIGATION POLICY"**

**Zonewise Appeals Pending  
Supreme Court**

S.No.	Zone	(Rs. In Crores)					
		Closing Balance As on 01.04.2020		Closing Balance As on 01.04.2021		Closing Balance As on 01.01.2022	
		No.	Amount	No.	Amount	No.	Amount
1	Ahmedabad CE & GST	111	412.38	101	466.42	104	603.33
2	Bangalore CE & GST	110	472.72	96	457.12	95	890.53
3	Bhopal CE & GST	171	1059.39	143	1361.60	141	1452.04
4	Bhubaneshwar CE & GST	36	73.57	40	73.57	40	73.57
5	Chandigarh CE & GST	105	803.39	99	881.06	100	884.81
6	Chennai CE & GST	245	1507.46	238	1515.32	200	1937.56
7	Delhi CE & GST	178	2491.37	192	3957.97	189	3953.96
8	Guwahati CE & GST	106	145.79	24	146.48	25	150.12
9	Hyderabad CE & GST	138	2340.57	127	2615.54	123	2603.44
10	Jaipur CE & GST	168	398.99	117	397.89	112	518.38
11	Kolkata CE & GST	53	420.64	48	899.75	45	788.63
12	Lucknow CE & GST	35	2870.29	27	2878.00	28	2878.46
13	Meerut CE & GST	129	815.01	113	844.41	106	829.81
14	Mumbai CE & GST	197	9686.03	199	10541.47	199	11155.16
15	Nagpur CE & GST	50	875.30	40	632.91	37	693.05
16	Panchkula CE & GST	92	1034.29	142	1162.69	131	1886.60
17	Pune CE & GST	66	1856.40	67	2625.54	68	2904.73
18	Ranchi CE & GST	38	609.38	38	611.78	36	606.32
19	Thiruvananthapuram CE & GST	126	356.40	102	352.28	103	333.25
20	Vadodara CE & GST	118	3163.13	122	3295.08	128	3205.21

21	Vishakhapatnam CE & GST	94	1201.87	99	1233.90	105	1319.89
22	Ahmedabad Cus	163	412.88	175	466.56	190	485.84
23	Bangalore Cus	63	975.97	63	978.26	64	1002.32
24	Chennai Cus	91	1129.28	101	1443.29	99	1441.32
25	Delhi Zone Cus	128	611.23	139	850.31	147	855.84
26	Delhi Prev	56	34.58	59	36.86	60	25.35
27	Kolkata Cus	26	83.91	31	83.86	31	83.86
28	Mumbai-I Cus	104	140.88	105	167.84	95	162.79
29	Mumbai-II Cus	32	375.87	41	639.21	41	639.22
30	Mumbai-III Cus	35	456.88	37	487.36	45	492.33
31	Patna Prev	10	2.45	11	14.79	15	17.83
32	TiruchirapalliPrev	18	414.01	21	418.40	21	418.40
	<b>Total</b>	<b>3092</b>	<b>37232.29</b>	<b>2957</b>	<b>42537.53</b>	<b>2923</b>	<b>45293.92</b>

## Appeals Pending High Court

S.No.	Zone	(Rs. In Crores)					
		Closing Balance As on 01.04.2020		Closing Balance As on 01.04.2021		Closing Balance As on 01.01.2022	
		No.	Amount	No.	Amount	No.	Amount
1	Ahmedabad CE & GST	447	2110.39	483	2334.36	502	2577.14
2	Bangalore CE & GST	216	3502.46	248	6688.22	288	7138.90
3	Bhopal CE & GST	398	1102.69	382	1336.91	437	1692.69
4	Bhubaneshwar CE & GST	370	2620.46	372	2910.60	386	3045.29
5	Chandigarh CE & GST	455	796.78	947	1333.79	1502	1691.70
6	Chennai CE & GST	1274	3264.33	1288	3260.81	1175	2994.39
7	Delhi CE & GST	161	726.53	171	787.71	156	3441.92

8	Guwahati CE & GST	162	286.19	230	780.70	245	871.15
9	Hyderabad CE & GST	817	2596.82	975	2817.78	807	2637.89
10	Jaipur CE & GST	468	1088.39	470	1265.36	508	1370.59
11	Kolkata CE & GST	728	3646.88	819	4099.73	777	5330.53
12	Lucknow CE & GST	198	988.26	230	1393.39	215	1573.84
13	Meerut CE & GST	332	1471.17	337	1702.59	296	1716.78
14	Mumbai CE & GST	687	8210.84	853	11421.39	936	11419.89
15	Nagpur CE & GST	294	1284.52	295	1293.37	269	1291.47
16	Panchkula CE & GST	162	989.64	273	1798.77	150	1119.21
17	Pune CE & GST	251	1350.55	262	1396.22	296	1794.37
18	Ranchi CE & GST	267	1085.72	277	1535.50	307	1609.52
19	Thiruvananthapuram CE & GST	919	501.27	938	1737.11	961	1850.49
20	Vadodara CE & GST	321	2019.82	398	2034.23	386	2080.74
21	Vishakhapatnam CE & GST	1327	6126.19	702	6374.39	714	7741.57
22	Ahmedabad Cus	852	1946.32	859	1997.56	935	2017.11
23	Bangalore Cus	111	100.27	103	124.38	120	134.52
24	Chennai Cus	724	1828.64	661	1943.49	601	1880.82
25	Delhi Zone Cus	421	678.71	562	923.48	621	1065.73
26	Delhi Prev	391	135.35	424	147.76	473	154.34
27	Kolkata Cus	564	1183.40	649	1406.70	743	4059.27
28	Mumbai-I Cus	173	842.93	193	800.33	217	748.79
29	Mumbai-II Cus	173	224.05	221	245.60	263	1428.69
30	Mumbai-III Cus	168	378.08	201	670.90	243	715.75
31	Patna Prev	248	70.35	296	79.63	294	80.38
32	TiruchirapalliPrev	531	175.72	537	187.04	544	215.61
	<b>Total</b>	<b>14610</b>	<b>53333.72</b>	<b>15656</b>	<b>66829.79</b>	<b>16367</b>	<b>77491.08</b>

# Appeals Pending CESTAT

(Rs. In Crores)							
S.No.	Zone	Closing Balance As on 01.04.2020		Closing Balance As on 01.04.2021		Closing Balance As on 01.01.2022	
		No.	Amount	No.	Amount	No.	Amount
1	Ahmedabad CE & GST	4050	5198.31	3374	5387.17	3007	5819.39
2	Bangalore CE & GST	4298	18501.55	3746	14805.39	3693	14789.92
3	Bhopal CE & GST	1152	3330.21	1157	3537.35	1111	3580.66
4	Bhubaneshwar CE & GST	1442	9739.23	1391	10482.19	1295	11530.06
5	Chandigarh CE & GST	1886	2770.06	1597	2566.00	1652	2711.12
6	Chennai CE & GST	5533	8709.32	4237	8037.38	3875	7986.33
7	Delhi CE & GST	734	8297.20	482	7226.98	548	10002.04
8	Guwahati CE & GST	908	1578.52	899	2031.69	886	2031.40
9	Hyderabad CE & GST	2293	11454.61	2017	11503.63	2003	11808.56
10	Jaipur CE & GST	1750	3429.36	1894	2943.50	1798	3111.77
11	Kolkata CE & GST	4817	12992.58	4687	15411.73	4471	15357.24
12	Lucknow CE & GST	577	2142.31	461	2215.20	436	2158.05
13	Meerut CE & GST	1135	3115.74	896	3357.70	812	3860.79
14	Mumbai CE & GST	5168	33132.39	4879	35261.65	4465	35513.41
15	Nagpur CE & GST	3056	5209.86	2942	5390.75	2466	4297.13
16	Panchkula CE & GST	1116	10778.01	1024	9297.21	1037	10440.81
17	Pune CE & GST	2359	15533.73	1958	14200.40	2024	14929.79
18	Ranchi CE & GST	1470	14009.05	1495	13948.34	1466	13209.00
19	Thiruvananthapuram CE & GST	1975	3129.90	1878	3089.64	2381	3281.73
20	Vadodara CE & GST	3029	11032.98	2699	10801.95	2816	12528.23
21	Vishakhapatnam CE	1939	4501.08	1950	3870.96	2069	4084.51



	& GST						
22	Ahmedabad Cus	2378	2194.88	2376	2186.43	2606	2630.59
23	Bangalore Cus	683	4537.26	651	4364.95	658	4206.19
24	Chennai Cus	1746	2229.77	1955	2774.40	2041	3147.52
25	Delhi Zone Cus	1009	765.92	959	787.28	1077	1165.58
26	Delhi Prev	332	142.17	500	246.73	536	832.31
27	Kolkata Cus	1648	1588.77	1751	1745.96	1818	1739.21
28	Mumbai-I Cus	775	671.64	718	725.34	764	705.27
29	Mumbai-II Cus	1562	753.02	1466	675.15	1440	737.90
30	Mumbai-III Cus	1054	2024.04	1105	2052.01	1321	2189.64
31	Patna Prev	131	27.29	146	30.73	165	32.18
32	TiruchirapalliPrev	736	615.26	767	645.50	821	759.01
	<b>Total</b>	<b>62741</b>	<b>204136.05</b>	<b>58057</b>	<b>201601.28</b>	<b>57558</b>	<b>211177.34</b>

## Appeals Pending Commissioner (Appeals)

		(Rs. In Crores)					
S.No.	Zone	Closing Balance As on 01.04.2020		Closing Balance As on 01.04.2021		Closing Balance As on 01.01.2022	
		No.	Amount	No.	Amount	No.	Amount
1	Ahmedabad CE & GST	406	243.76	609	426.64	1031	423.94
2	Bangalore CE & GST	1281	818.54	959	650.55	1183	752.55
3	Bhopal CE & GST	136	84.12	182	68.06	255	114.55
4	Bhubaneshwar CE & GST	925	1183.67	750	1111.44	817	742.13
5	Chandigarh CE & GST	2711	533.34	1679	410.74	923	301.68
6	Chennai CE & GST	290	198.42	193	164.61	446	286.28
7	Delhi CE & GST	170	400.46	117	99.00	125	108.48
8	Guwahati CE & GST	117	131.80	100	36.89	97	381.87

9	Hyderabad CE & GST	115	73.94	134	80.41	458	220.08
10	Jaipur CE & GST	913	332.57	786	145.69	746	152.51
11	Kolkata CE & GST	2062	663.81	1769	602.84	1265	578.61
12	Lucknow CE & GST	200	42.63	147	56.62	314	105.09
13	Meerut CE & GST	1281	790.44	774	485.71	406	489.79
14	Mumbai CE & GST	625	772.18	249	472.05	791	676.73
15	Nagpur CE & GST	195	97.20	221	54.99	261	225.80
16	Panchkula CE & GST	218	104.58	178	98.20	98	62.61
17	Pune CE & GST	394	167.97	283	161.79	373	146.23
18	Ranchi CE & GST	368	236.27	326	225.24	312	201.03
19	Thiruvananthapuram CE & GST	2313	775.60	1644	562.85	2018	616.64
20	Vadodara CE & GST	524	166.92	489	151.78	483	154.59
21	Vishakhapatnam CE & GST	274	111.52	213	55.28	367	106.83
22	Ahmedabad Cus	786	149.99	1551	254.88	1626	229.70
23	Bangalore Cus	178	25.61	247	133.77	193	73.16
24	Chennai Cus	526	164.21	536	146.56	1067	814.86
25	Delhi Zone Cus	4443	115.61	5216	108.24	6263	109.60
26	Delhi Prev	650	124.66	716	49.73	511	42.67
27	Kolkata Cus	587	134.75	641	107.17	649	137.38
28	Mumbai-I Cus	282	43.55	283	166.38	307	162.15
29	Mumbai-II Cus	689	33.45	1439	32.70	1868	106.19
30	Mumbai-III Cus	1009	30.74	1120	218.59	1703	271.14
31	Patna Prev	48	3.23	43	7.58	46	19.17
32	TiruchirapalliPrev	247	19.23	226	30.89	311	55.79
	<b>Total</b>	<b>24963</b>	<b>8774.78</b>	<b>23820</b>	<b>7377.85</b>	<b>27313</b>	<b>8869.84</b>