

F. No. 01/10/218/01/Misc/AM14/LS
Government of India
Department of Commerce and Industries
Directorate General of Foreign Trade
Litigation Section

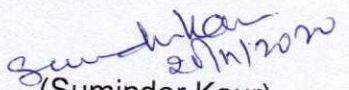
Udyog Bhawan, New Delhi
Dated 20 November, 2020

OFFICE MEMORANDUM

Subject:- Guidelines to streamline the process of filling SLP's Appeals in the Supreme Court..

Please find enclosed herewith a copy of the DO letter No. A-12012/5/2016-Judl.(Part) date 13.11.2020 received from Ministry of Law and Justice alongwith the Cabinet Sectt.'s DO letter No.403/1/5/2016-CA.V dated 25.11.2016 on the subject mentioned above for information and strict compliance of the instructions/ directions contained therein.

Encl : As above.


(Suminder Kaur)
Deputy Director General of Foreign Trade
e-mail:- suminder.kaur@nic.in
Tele: 23061562 Ext.395

To,

- a. Addtl. DGFTs in Hqrs. and Zonal Office
- b. All Jt. DGFTs in DGFT Hqrs.
- c. All Dy. DGFTs in DGFT Hqrs.
- d. All Regional Offices of DGFT

अनूप कुमार मेंदीरत्ता

Anoop Kumar Mendiratta

सचिव
सचिवता
Secretary Ministry of Commerce

संख्या सं/सं. P.421368
दिनांक/Date. 16/11/2020



सत्यमेव जयते

सचिव
विधि और न्याय मंत्रालय
भारत सरकार

SECRETARY
DEPARTMENT OF LEGAL AFFAIRS
MINISTRY OF LAW & JUSTICE
GOVERNMENT OF INDIA

D.O.No. A-12012/5/2016-Judl.(Part)

Dated: 13.11.2020

निजी विभाग, वि० व्या० महा० नि०
Personal Section, D. G. F. T.

डा० सं/ Dy. No. E.124135

तिथि/ DL 18/11/2020

Dear Secretary,

Kindly refer to this Department's O.M. of even number dated 4.7.2018 constituting a Committee in the Department of Legal Affairs, at the instance of Cabinet Secretariat, to identify/review all pending as well as fresh Civil Appeals/SLPs of Ministries/Departments in which the issues involved have already been settled by the courts.

2. Now, Cabinet Secretariat has requested vide I.D. No. 403/1/5/2019-TS dated 09.11.2020 to issue instructions for guidance of all the Ministries/Departments that while referring a proposal to the Department of Legal Affairs to examine the feasibility of filing SLPs/CAs before the Hon'ble Supreme Court, similar cases/issues, if any, which have already been decided by the Supreme Court, shall clearly be highlighted by the Administrative Ministry/ Department in their referring note. This shall enable this Department/law officer to keep in perspective such similar cases/issues, while rendering advice/opinion in the matter.

3. I am, therefore, to request you to direct all the concerned officers of your Ministry/Department/organization under your administrative control to highlight the similar cases/issues which have already been decided by the Hon'ble Supreme Court prior to referring the file for opinion of the Department of Legal Affairs for filing of SLPs/CAs. Also the time lines referred in Cabinet Secretariat's D.O. No. 403/1/5/2016-CA.V dated 25.11.2016 be scrupulously followed in a time bound manner, to avoid any delay in filing of SLP/Civil Appeal (copy enclosed).

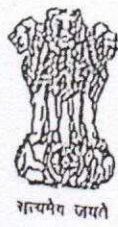
With warm regards,

Yours sincerely,

(Anoop Kumar Mendiratta)

All Secretaries to the Government of India.

Copy to: Cabinet Secretariat, New Delhi w.r.t. their I.D. No. 403/1/5/2019-TS dated 09.11.2020.



D.O. No. 403/1/5/2016-CA.V

Dear Secretary,

It has come to notice that a number of Special Leave Petitions (SLPs), appeals, etc. are filed in the Supreme Court after expiry of the limitation period and in some cases after considerable delay. A meeting of the Committee of Secretaries (CoS) was held in this regard on 15.9.2016.

2. Amongst various issues discussed to streamline the process of filing SLP's, appeals etc. it was pointed out that the proposals to file SLP/Appeal before the Supreme Court are being received by the D/o Legal Affairs for advice from the concerned Ministry/Department when limitation period of 90 days is about to expire or sometimes even after expiry of limitation period. To address this issue, it has been decided to fix the following timelines for filing SLPs/appeal:

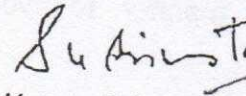
(i)	Examination and taking administrative decision by the Ministry/Department	15 days
(ii)	Examination and advice/opinion by the DoLA and Law Officers	15 days
(iii)	Drafting of SLPs and forwarding the same to the concerned Ministry/Department	15 days
(iv)	Approval of the draft SLP by the concerned Ministry/Departments and providing necessary documents	5 days
(v)	Preparing paper book and filing	10 days

3. For filing statutory appeals, reviews, etc. where limitation period is 60 days or 30 days, the above timelines may be reduced correspondingly. Proper coordination with D/o Legal Affairs (DoLA) and Central Agency Section (CAS) of the D/o Legal Affairs may be ensured to avoid such delays. The Nodal Officers in your Ministry/Department may be assigned the task of monitoring of these timelines and ensuring coordination in this regard.

4. You may instruct the concerned officers and PSUs/Boards/Authorities under the administrative control of your Ministry/Department to strictly follow the above timelines.

With regards,

Yours-sincerely,


(Sanjay Kumar Srivastava)

Secretaries of all the Ministries/Departments to the Government of India