



All India Federation of Tax Practitioners

(An Association of Advocates, Chartered Accountants & Tax Practitioners of India)

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Date.....

23-7-2021

To,
Shri Kiren Rijiju
The Hon'ble Minister of Law and Justice,
Government of India,
New Delhi

Subject: Request to fill the pending vacancies of the Hon'ble Members in the Income-tax Appellate Tribunal.

Respected Sir,

We wish to bring it to your honours kind attention, that The Hon'ble Income tax Appellate Tribunal (ITAT) has 63 benches at 27 stations across the Country and a sanctioned capacity of 126 members.

On July, 06, 2018 an advertisement was issued by the Central Government seeking appointment of 21 Judicial Members and 16 Accountant Members. Accordingly, the search cum selection committee made its recommendations in November 2019.

Thereafter, the Central Government notified the Tribunal, Appellate Tribunal and other Authorities (Qualification, Experience and Other Conditions of Service of Members) Rules, 2020. The said rules were challenged on Constitutional Grounds.

The Hon'ble Supreme Court in the case of **Madras Bar Association v. UOI & Anr 2020 SCC Online SC 962** passed an order dated November 27, 2020 directing the Union of India to appoint Judicial Members and Accountant Members to the Hon'ble ITAT, *inter alia*, within a period of 3 months.





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The period of 3 months expired on February 27, 2021.

Honourable Sir, the Honourable Supreme Court of India in Madras Bar Association v. UOI Madras Bar Association v. UOI (2021) 128 Taxmann.com 218 (SC) (Order dt. 14-7-2021) has held that some of the provisions of the Ordinance as unconstitutional and also observed that para. 59. **"The judgement in MBA-III was passed after a detailed dialogue with the learned Attorney General. Existence of large number of vacancies of Members and Chairpersons and the inordinate delay caused in filling them up has resulted in emasculation of Tribunals. The main reason for tribunalisation, which is to provide speedy justice, is not achieved as tribunals are wilting under the unbearable weight of the exploding docket. Undoubtedly, the legislature is free to excise its power to make laws and executive is the best judge to decide policy matters. However, it is high time that a serious effort is made by all concerned to ensure that all the vacancies in the Tribunals are filed up without delay. Access to justice and confidence of the litigant public in impartial justice being administered by Tribunals need to be restored."**

Hon'ble Sir, now the Department of Revenue also issued notification dt. 30-6-2021 C.S.R. 458(E) wherein in the Explanatory Memorandum it has been clarified that in order to give effect the Judgement of Supreme Court in W.P.(C) No 804 of 2020.





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Sir, as on date, the Hon'ble ITAT consists of only 74 Members, out of sanctioned strength of 126 members (52 vacancies). By the end of the calendar year 2021 the vacancy will rise to 54 positions.

Therefore, with a view to fill the vacancy in the Hon'ble ITAT and thereby improve the efficiency of the Tribunal, we request your Honours to kindly address the pending vacancies.

Trust our requests shall be acceded to.

Thanking You.

Yours sincerely,
For All India Federation of Tax Practitioners


M. Srinivasa Rao,
National President

CC : 1. Prof. S. P. Singh Baghel, Hon'ble Minister of State in the Ministry of Law and Justice

2. Hon'ble Shri Anoop Kumar Mendiratta, Law Secretary of India

3. Hon'ble Justice Mr. P. P. Bhatt, President, ITAT

