

F.No.1/CESTAT/Misc/2018-CR
CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL,
WEST BLOCK NO.2, R.K. PURAM, NEW DELHI-110066

Dated: 28.05.2018

CIRCULAR

**Sub: Forwarding records of CESTAT to appellate/revisional courts-
instructions; regarding.**

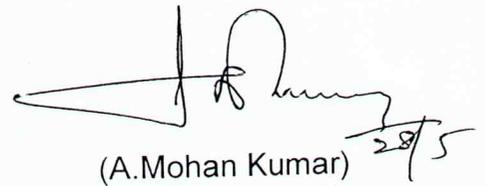
Hon'ble Supreme Court in the case of *M/s Asian Resurfacing of Road Agency P. Ltd. and Anr. Vs Central Bureau of Investigation [Criminal Appeal Nos 1375-1376 of 2003]* has observed, inter alia, that wherever original record has been summoned by an appellate/revisional court, the photocopy/scanned copy thereof may be sent and original may be retained by the Trial Court so that the proceedings are not held up, unless the original is specifically requisitioned by the court. It is further directed that in cases where original record has already been summoned for perusal, photocopy/scanned copy thereof may be kept by the registry of the appellate/revisional court and the original returned to the Trial Court.

2. The Apex Court has further directed that wherever original record has already been requisitioned by its registry in cases arising out of interlocutory order, the same would be transmitted back, after due verification and after having the same scanned/digitalized or photocopied by the registry, except in cases where it has been expressly ordered otherwise. The said directions regarding transmission of original record shall, in future, form part of the communication requisitioning such record.

3. It has been brought to the notice of undersigned that despite standing instructions, original records are mechanically forwarded to appellate/revisional courts even when the same are not specifically requisitioned. This has prompted the registry of the Apex Court to issue reminder for strict adherence to the procedure laid down by the Hon'ble Supreme Court in the above referred case.



4. In view of above, Deputy/Assistant Registrars of all the bench registries are directed that whenever original record is requisitioned by the Hon'ble Supreme Court, scanned/digitized/photocopy thereof may be transmitted to its registry instead of the original, unless otherwise specifically ordered by the Hon'ble Court. Further, the original shall not be weeded out during the pendency of the matter before the Hon'ble Court till a communication regarding its disposal is received from its registry. All the bench registries are directed to adhere to the above guideline and any lapse in this regard would be viewed seriously.



(A. Mohan Kumar)
Registrar, CESTAT.

Copy to :

1. SPS to Hon'ble President, CESTAT for information please.
2. SPS to Hon'ble Members, CESTAT including Regional Benches for information please.
3. DRs/ARs of all Benches
4. Web site/ Notice Board/ office copy.