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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision: 31.07.2015*

\+ W.P.(C) 7282/2015 & CM No.13365/2015

MITHILESH KUMAR PANDEY ..... Petitioner
Through: Mr.Pahlad S.Sharma and Mr.Mayank Aggarwal, Advs.

Versus

UNION OF INDIA & ANR ..... Respondents
Through: Ms.Jyoti Dutt Sharma, Adv.

**CORAM:**
**HON'BLE THE CHIEF JUSTICE**
**HON'BLE MR. JUSTICE JAYANT NATH**

**J U D G M E N T**

**MS. G. ROHINI, CHIEF JUSTICE (ORAL)**

1. This writ petition by way of public interest litigation is filed with the following prayers:

> "a. Issue a writ/order/direction directing the Respondents to appoint standing counsels for CBEC without considering any VIP references and strictly in accordance with the prescribed rules;
>
> b. Issue a writ/order/direction directing the Respondents to reveal the names of candidates who have received VIP references and to disqualify such candidates who have canvassed for their empanelment from the empanelment process.
>
> c. Issue writ/order/direction directing the Respondents to not accept or entertain any VIP references henceforth in respect of appointment of

standing counsels;”

2. In the light of the pleadings and the documents enclosed, it appears that the grievance of the petitioner is with regard to the procedure being adopted by the Government of India, Ministry of Finance, Department of Revenue and the Central Board of Excise & Customs for empanelment of the senior and junior standing counsels for handling cases of Indirect Taxes before various High Courts, Tribunals and other Courts. On the basis of the letter dated 18.06.2015 addressed by the Under Secretary (Legal) to all the Chief Commissioners of Customs and others in which there was a reference to the earlier letter dated 07.03.2014 calling for their recommendation for constitution of panel of standing counsels, it was mentioned that several VIP references have been received on the subject which have been forwarded to them from time to time and that the same may be taken note of while making the recommendations. The contention of the petitioner is that the same amounts to indulging in canvassing which is impermissible under law.

3. The learned counsel who accepted notice for the respondents on instructions submitted that the Central Board of Excise & Customs has already called off the proceedings for empanelment initiated earlier and that a fresh order dated 10.07.2015 has now been issued calling for applications for empanelment of the standing counsels. It is also represented that even under the letter dated 07.03.2014 specific instructions were issued to examine the applications of the advocates received directly and/or VIP references on merits for their suitability for empanelment.

4. The learned counsel for the petitioner has also brought to our notice that an identical issue relating to the empanelment of lawyers to be

appointed for prosecuting the cases of the Income Tax Department in this Court is the subject matter of W.P.(C) No.5286/2015 titled *Raghubir Singh v. Principal Chief Commissioner of Income Tax (CCA), Delhi* and the same is pending on the file of this Court.

5. Having regard to the fact that the earlier Office Order dated 07.03.2014 in respect of which the petitioner complains that the action of the respondents in considering the VIP references amounts to indulging in canvassing has already been withdrawn by the 2nd respondent and particularly in view of the fact that this court in W.P.(C) No.5286/2015 is seized of an identical issue, we are not inclined to entertain this petition filed as public interest litigation. However, the petitioner is at liberty to take appropriate steps to intervene in the pending writ petition.

6. The writ petition is accordingly disposed of.

No costs.

**CHIEF JUSTICE**

**JULY 31, 2015** **JAYANT NATH, J**

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