

14th April 2024

To
The Registrar (Administration)
Secretary of Permanent Committee
For designation of senior advocates
High Court of Madhya Pradesh, Jabalpur

Subject: Application for designation as a Senior Advocate

Dear Sir

With immense pleasure, I hereby submit my application for designation as a Senior Advocate of MP High Court, to the office of your goodself.

Following documents are being annexed by me:

1. Proforma of particulars of application for designation as a Senior Advocate under Rule 13 of High Court of Madhya Pradesh (Designation of Senior Advocate) Rules, 2018.
2. Copy of enrolment certificate issued by State Bar Council of Madhya Pradesh.
3. Copy of ITR Acknowledgements for Assessment Years 2023-24, 2022-23 and 2021-22.
4. Publications
5. Association and Affiliations.
6. Copy of Aadhar and PAN.
7. Certificate under Rule 8 of the High Court of Madhya Pradesh (Designation of Senior Advocate) Rules, 2018.
8. Copy of application for senior designation dated 30.07.2021.

Awaiting your kind consideration and response. Let me know in case any other details are required.

Yours Sincerely,



V. N. Dubey
Advocate
En. No. MP/1179/2007
Email: vndubeyoffice@gmail.com
Mobile: +91-9826398848

HIGH COURT OF MADHYA PRADESH (DESIGNATION OF SENIOR
ADVOCATE RULES, 2018
PROFORMA OF PARTICULARS
(UNDER RULE 13)



- (1) **Name:** Vashistha Narayan Dubey
- (2) **Qualification:**
- Bachelor of Law from University of Calcutta
 - Fellow Company Secretary from Institute of Company Secretaries of India
 - Insolvency Professional at Insolvency & Bankruptcy Board of India
- (3) **Date of Birth:** 02.08.1967
- (4) **Permanent Address:** "Shree Shubham", 11-D, Slice-4, Scheme No. 78, Vijay Nagar, Indore, Madhya Pradesh.
- (5) **Address to which communications are to be sent:** 402, Asha Dilpasand Imperial, South Tukoganj, Opposite Gate No. 3, High Court, Indore, Madhya Pradesh.
- (6) **Name of Bar Council and Date of enrolment as an advocate:** State Bar council of Madhya Pradesh, Date: 29/07/2007.
- (7) **Number in the roll of advocates maintained by the State Bar Council:** MP/1179/2007.

(8) **Whether he/she is/was a member of any association of lawyers? If so the details:**

- High Court Bar Association Indore,
- Indore Bar Association,
- NCLT Practitioners Association of Indore
- MP NCLT Bar Association, Indore
- Tax Practitioners Association Indore,
- Chamber of Tax Consultants, Mumbai,
- Indian Lawyers Association,
- All India Federation of Tax Practitioners,
- Global Intellectual Property Convention

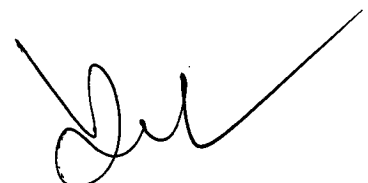
(9) **Number of years, name of place and Court(s) where practiced:**

Around **35 years'** overall work experience in field of law, and **17 years** as an Advocate with specialization in Income Tax, Indirect Tax, Insolvency Law, Competition Law, Corporate Laws, Intellectual Property Law, Commercial Laws, Environmental law, Property Law and Banking Law, with regular practice before MP High Court, Supreme Court, different High Courts, various Tribunals and Courts of the Country.

Before entering into the profession, had 18 years' experience (1990 to 2007) with a leading corporate of handling corporate, legal, tax, finance, accountancy, industrial management/ administration /reconstruction, etc.

(10) **Specialization in any field of law. If so, details:**

Income Tax, Indirect Tax, Insolvency Law, Competition Law, Corporate Laws, Intellectual Property Law, Commercial Laws, Environmental law, Property Law and Banking Law.



Provided various litigation/advisory/consultancy services to major public sector banks (SBI, UBI, UCO, BOI, etc.). As a corporate lawyer also handling advisory and litigation matters of Insolvency & Bankruptcy/corporate laws and also handling various mergers and corporate restructuring. As a Senior Standing Counsel of the Income Tax Department handled and as Senior Standing Counsel of Central Board of Indirect Taxes & Customs handling important matters of the Central Government before Madhya Pradesh High Court.

(11) **Whether a junior to any lawyer(s) at present? If so, the details:**

No

(12) **Whether any junior lawyer is practising with him? If so, names of such lawyers and the period:**

| S. No | Name | Qualification | Practising Since |
|-------|-----------------------|--|------------------|
| 1. | Amit Dubey | Advocate, LL.B. (Hons.) IIT Kharagpur, Bachelor of Technology, Registered Patent Agent under Patents Act, 1970 | 2018 |
| 2. | Rohit Dubey | Advocate, Insolvency Professional, BA LL.B. (Hons.), Company Secretary, Independent Director, Certified Mediator & Negotiator | 2019 |
| 3. | Mallikarjun Khare | Advocate, BA LL.B. (Hons.) | 2019 |
| 4. | Preeti Dubey | Advocate, LL.B. (Hons.), Bachelor of Engineering | 2019 |
| 5. | Ibrahim Kannodwala | Advocate, B Com. LL.B. (Hons.), LLM (Business Law) | 2020 |

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| 6. | Mayur Singh Waghela | Advocate, B Com. LL.B. (Hons.) | 2021 |
| 7. | Siddharth Nandedkar | Advocate, B Com. LL.B. (Hons.) | 2023 |

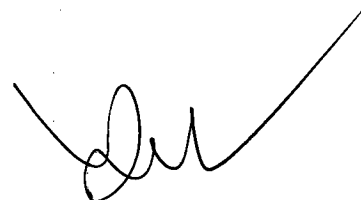
(13) Whether he/she is an assessee under the Income Tax Act in respect of professional income? If so, details of income assessed for the last three years accompanied by a copy of the Permanent Account Number Card- ABKPD5050C

- AY 2023-2024: INR 25,46,360/-
- AY 2022-2023: INR 18,97,390/-
- AY 2021-2022: INR 10,52,940/-

(14) Whether he/she is/was in the panel of the State or Central Government or whether holds any office under the State or Central Government? –

I have been:

- The Senior Standing Counsel of the Central Board of Indirect Tax and Customs at M.P. High Court for the period 2020-22 at the M.P. High Court.
- The Senior Standing Counsel of Income Tax Department at M.P. High Court for the period 2017-21 at the M.P. High Court.
- Advocate on panel with State Bank of India, Canara Bank, Bank of India, Bank of Baroda, Punjab National Bank, Union Bank, UCO Bank, Axis Bank, IDBI Bank, Indian Overseas Bank and South Eastern Coal Fields Limited (a subsidiary of Coal India Limited).
- Insolvency Professional on panel of State Bank of India and Punjab National Bank.
- Provided litigation services to various other governmental departments in important matters on special appointment.




(15) (a) Reference to any important matter in which appeared and rendered assistance-

| S. No | Case No. | Court | Remarks |
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| 1. | SLP (Civil) Diary No. 7432 of 2022 | Supreme Court | Issue of taxability of Extra Neutral Alcohol in post-GST Era. |
| 2. | Civil Appeal No. 2931/2020 | Supreme Court | Matter dealt with the issue that whether after passing of CIRP initiation order by NCLT of a company, the CIRP can be closed merely on the ground of settlement between the applicant under section 9 and the company, even it tantamount to closure of CIRP dealing with all creditors. |
| 3. | SLP(C) 706/2019 SLP (C) 1437/2015 Diary No. 15087/2017 | Supreme Court | Matter dealing with constitutional issue of treating "Rectified Spirit" as excisable goods/liquor manufactured under the state government licence under MP Excise Act. |
| 4. | SLP(C) 801/2020 SLP(C) 30428/2018 CA 1701/2019 CONMT PET. C. 1143/2019 SLP 9138- 9139/2017 | Supreme Court | Matter relating to Article 14 in issue of licences, it also dealt with issue of Res-Judicata in writ matters including of Article 14. |
| 5. | SLP(C) No. 006678 - 006679 / 2020 | Supreme Court | Constitutional issue dealing with issue of levy of penalty on excess transit wastage on transport for more than 1500 Km wherein transit wastage allowance is same for 500 Km and all transport above 500 Km. |
| 6. | WP No. 19150/2022 | MP High Court | Challenging vires of CBDT instructions and order passed u/s. |

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| | | | 148A(d) of the Act by the Income Tax Department as well as consequential notices u/s. 148 of the Act. Representing assesseees in about 30 writ matters. |
| 7. | ITA No. 130/2023 | MP High Court | Whether on the fact and in the circumstances of the case, the ITAT was justified in law in confirming the Order of CIT(A) that the undisclosed income surrendered during the Search and Seizure action, is liable to be taxed at normal rate instead of the tax rate stipulated under Section 115BBE of the Income Tax Act is the substantial question of law or not Court held no substantial question of law. |
| 8. | Writ Appeal No. 537 of 2023 | MP High Court | Issue concerning taxability of property tax on leasehold premises allotted by development authorities to educational institutions |
| 9. | Writ Petition No. 5029 of 2022 | MP High Court | Issue of payment of interest on delayed refund of VAT pre-deposit under Article 226, in absence of statutory prescription |
| 10. | Writ Petition No. 30024 of 2022 | MP High Court | Issue of taxability of Extra Neutral Alcohol in Post-GST Era |
| 11. | ITA No. 271/2022 | MP High Court | Issue of concurrent finding of facts by ITAT v. substantial question of law, decided on whether, non-appreciating the facts mentioned in the remand report and in accepting the additional evidence submitted by the assessee during the appeal proceedings, is a substantial question of law in terms of Rule 46A of the Income Tax Rules. |
| 12. | COMA 02/2023 | MP High Court | Matter pertaining to important question that whether a sale confirmed by company court be on |



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| | | | a value that is below guideline value and at an old valuation report. |
| 13. | CR 410/2022 | MP High Court | Matter relates to permissibility of initiation of civil proceedings for injunction against corporate debtor alleged to have acquired assets of plaintiff, when the Corporate Debtor is undergoing insolvency under the Insolvency and Bankruptcy Code, 2016. |
| 14. | CR 422 of 2023 | MP High Court | Matter involving important issue that when the decree doesn't specifies rate of interest can the executing court itself determine and impose a particular interest rate. |
| 15. | WP 18811 of 2023 | MP High Court | Matter pertaining to important issue that whether the electricity department can mandate the new owner of the property of the company (under liquidation) to pay the electricity dues. |
| 16. | WP 675 of 2024 | MP High Court | Matter pertaining to important issue of challenge to constitutional validity of MP Electricity Supply Code vis-à-vis the IBC. |
| 17. | WP 28183 of 2023 | MP High Court | Matter involving issue as to whether DRT has power to condone delay in securitization application filed by the borrower. |
| 18. | WP 4285 of 2022 | MP High Court | Matter pertaining to challenge to order of IBBI rejecting grant of registration to a valuer on ground of lack of managerial experience. |
| 19. | WP 8481/2020 (PIL) | MP High Court | Matter pertains to public interest litigation challenging constitutional validity of proviso to section 10A of the Insolvency & Bankruptcy Code, 2016. |
| 20. | WP (PIL) No. 2509/2013 | MP High Court | Matter pertains to Public Interest Litigation alleging that the use of |



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| | | | PET bottles is not only harmful for the environment but the goods stored therein becomes unfit for human consumption. PET bottles after use are thrown here and thereby not only harmful for the environment but also for the animals/cattles, who eventually eat it. |
| 21. | Writ Appeal 1446/2019 CONC 725/2019 WP 15908/2018 | MP High Court | Matter relating to Article 14 in issue of licences, it also dealt with issue of Res-Judicata in writ matters including of Article 14. |
| 22. | WP 12853/2021 | MP High Court | Matter relates to levy of property tax on constructed area under rules ultra vires relevant Act providing levy on built-up area. Also challenges constitutional validity of rules framed under MP Municipal Corporation Act. |
| 23. | OTA 2/2021 | MP High Court | Matter relates to issue that whether for refund process under section 54 CGST Act law applies as in force on the date of application or in force on the date of supply. |
| 24. | VATA 05/2020 VATA 43/2020 VATA 14/2021 WP 14598/2020 | MP High Court | Matter relates to issue that when a classification entry is splitted into two entries, whether goods lying in original entry is to classified in resulting entries only. Also dealing with issue of treating "Rectified Spirit" as excisable goods/liquor manufactured under the state government licence under MP Excise Act. |
| 25. | VATA 6/2018 | MP High Court | Matter relates to the levy of Entry Tax on the goods purchased from different local areas districts. |

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| 26. | WP 10047/2018 | MP High Court | Important matter dealing with allowances pertaining to service period claimed post retirement. |
| 27. | WP 7560/2016 WP 7555/2016 WP 6607/2015 WP 6604/2015 WP 6596/2015 WP 6388/2021 WP 6317/2017 WP 8455/2014 WP 8440/2014 WP 8405/2014 | MP High Court | Matter dealing with constitutional issue of treating "Rectified Spirit" as excisable goods/liquor manufactured under the state government licence under MP Excise Act. |
| 28. | COMP 9/2011 | MP High Court | Handled matter having corporate debt size of Rs. 3200 Cr representing all its lenders in various litigations. |
| 29. | MA 5639/2019 MA 5503/2019 | MP High Court | Matter relates to the issue of deciding on jurisdiction of a commercial dispute on first hearing before deciding on any further issue by Commercial Court including of arbitration reference or return of plaint. |
| 30. | WP 20329/2018 | MP High Court | Matter relating to declaration of wilful defaulter and deciding on issue of test of declaring a defaulter as wilful defaulter. |
| 31. | WP 19121/2020 WP 19219/2020 WP 3902/2021 WP 7051/2020 | MP High Court | Matter relates to the issue whether Government is required to expressly provide for not allowance of any offence. Any offence under Excise Act or any other law, whether require prior non-allowance order. |
| 32. | WP 13751/2018 | MP High Court | Matter relates to levy of property tax on constructed area under rules ultra vires relevant Act providing levy on built-up area. |
| 33. | WP 5870/2016 | MP High Court | Matter relates to restoration of arbitral proceedings post passing of |

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| | | | arbitral award by the arbitrator on the basis of application of one of the party. |
| 34. | WP 5179/2020 WP 5169/2020 WP 5164/2020 WP 5084/2020 WP 5073/2020 | MP High Court | Matter relates to refund of TDS in the absence of return filed within prescribed time. |
| 35. | WP 3683/2021 | MP High Court | Matter relates to issue of levy of GST on services for supply of electricity such as meter related can be said to be taxes on supply of electricity. |
| 36. | WP 3133/2021 WP 3130/2021 | MP High Court | Matter relates to issue relating to sabka vishwas legacy dispute resolution scheme. |
| 37. | ITA 142/2019 ITA 141/2019 | MP High Court | Matter relates to addition of income based on transaction notes seized during search operation. |
| 38. | ITA 01/2020 | MP High Court | Matter relates to scrutiny assessment completion without referring the matter to the TPO u/s 92 CA of the Income Tax Act. |
| 39. | ITA 137/2019 ITA 136/2019 | MP High Court | Matter relates to addition of income on account of interest on funds transferred and claimed as investment on which no benefit is derived, (after allowing unabsorbed business loss, carry forward business loss & carry forward unabsorbed depreciation for previous different A.Ys.) |
| 40. | ITA 135/2019 | MP High Court | Matter relates to allowing deduction u/s 10A without setting off of losses of earlier years pertaining to non-eligible units. |
| 41. | ITA 133/2019 | MP High Court | Matter relates to addition on account of unexplained investment u/s 69, and disallowance u/s 40A. |



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| 42. | ITA 132/2019 | MP High Court | Matter relates to Section 92CA (3) of the Income Tax Act 1961 in respect of addition on account of software services and on account of cost allocation, determination of arm's length price in relation to the international transactions. |
| 43. | ITA 120/2019 | MP High Court | Matter relates to disallowance made by the A.O. not in conformity with the Rule 8D of the Income Tax Rules, on account of certain disallowances u/s 14A and disallowance on account of diversion of interest bearing funds for advancing the same without interest (i.e. utilization of fund for other than business purposes) thereby escaping from the assessment. |
| 44. | ITA 118/2019 | MP High Court | Matter relates to addition on account of suppressed profit, addition on unaccounted sales, undisclosed investment. |
| 45. | ITA 117/2019 | MP High Court | Matter relates to unexplained cash credit u/s 68 of the Act in respect of credit entries in the form of trade advances. |
| 46. | ITA 115/2019 | MP High Court | Matter relates to unexplained cash credit u/s 68 of the Act in respect of credit entries in the form of trade advances. |
| 47. | ITA 114/2019 | MP High Court | Matter relates to unexplained cash credit u/s 68 of the Act in respect of credit entries in the form of trade advances. |
| 48. | ITA 89/2019 ITA 88/2019 | MP High Court | Matter relates to addition on account of purchases from unknown parties and from unexplained sources under section 69 of the Income Tax Act. |

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| 49. | ITA 87/2019 ITA 86/2019 | MP High Court | Matter relates to issue whether in case of a Joint development Agreement between the landlord and the builder, where owner contributes his share of land for development and builder bears the cost of development and both sharing a specific percentage of revenue from sale of developed property, two different method of revenue recognition is at all permitted one for the builder who is claiming the revenue expenditure by crediting the account of the landlord and at same time the landlord is debiting the account of the builder in that respect by accepting the Percentage Completion Method but not crediting the same in its Profit & Loss Account to differ the same till the Execution of sale seed. |
| 50. | ITA 71/2019 ITA 69/2019 ITA 63/2019 | MP High Court | Matter relates to penalty under section 271(1)(c) on the basis of notice without specifying charge. |
| 51. | ITA 54/2019 | MP High Court | Matter relates to treating a income to be business income or capital gain when the same is generated during regular course. |
| 52. | ITA 14/2019 | MP High Court | Matter relates to genuineness of the unsecured loan & infusion of partner's capital. |
| 53. | ITA 15/2019 ITA 13/2019 | MP High Court | Matter relates submitting undisclosed income to be out of business activity without specifying and substantiating the manner through which the undisclosed income was earned u/s 271AAA(2) of the Act. |
| 54. | ITA 172/2018 | MP High Court | Matter relates to taxation of income cooperative societies. |

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| 55. | ITA 163/2018 | MP High Court | Matter relates to levy of penalty on concealment of income added under the issue of bad debts. |
| 56. | ITA 144/2018 | MP High Court | Matter relates to disallowance under section 14A of the Income Tax Act, 1961. |
| 57. | ITA 133/2018 | MP High Court | Matter relates to the issue where huge funds were diverted towards the non-business purpose for investment which is exempted under section 10 of the Income Tax Act, and issue as to applicability of section 14A when the assessee claims that no expenses are incurred for earning exempted income. |
| 58. | ITA 115/2018 ITA 114/2018 ITA 113/2018 ITA 112/2018 ITA 111/2018 ITA 110/2018 | MP High Court | Matter relates to the issue of receiving unsecured loan and allegation to be bogus share application money and premium in the form of accommodation entries and the some share capital with exorbitant premium against payment of unaccounted cash which was inter-alia routed back as share capital and share premium. |
| 59. | ITA 90/2018 | MP High Court | Matter relates to section 68 of the Income Tax Act requiring proving the identity, creditworthiness and genuineness of transactions. |
| 60. | ITA 44/2018 | MP High Court | Matter relates to issue of share capital amount treated as unexplained cash credit U/s 68 of the Income Tax Act. |
| 61. | ITA 40/2018 | MP High Court | Matter relates to proving identity, credit worthiness and genuineness for the matters under section 68 of the Income Tax Act, 1961. |
| 62. | ITA 39/2018 | MP High Court | Matter relates to initiation of block assessment proceedings u/s 158BD of the Income Tax Act, 1961. |

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| 63. | ITA 38/2018 | MP High Court | Matter relates to proving identity, credit worthiness and genuineness for the matters under section 68 of the Income Tax Act, 1961. |
| 64. | ITA 3/2018 | MP High Court | Matter relates to TDS on allowances to employees in Income Tax Act, 1961. |
| 65. | ITA 21/2016 ITA 20/2016 ITA 19/2016 ITA 18/2016 ITA 17/2019 ITA 04/2019 ITA 03/2019 ITA 06/2019 ITA 07/2019 ITA 09/2019 ITA 11/2019 | MP High Court | Matter relates to issue of bad debts in Income Tax Act, 1961. |
| 66. | ITA NO. 11/2020 | MP High Court | Matter relates to completion of assessment without referring the matter to transfer pricing officer under section 92 CA of the Income Tax Act. |
| 67. | ITA NO. 33/2020 | MP High Court | Matter relates to issue of initiation of reassessment proceeding based on DDIT investigation. |
| 68. | ITA NO. 01/2021 | MP High Court | Matter relates to provision for gratuity and leave encashment made over and above the accrued liability for gratuity and leave encashment as ascertained through actuarial valuation report of LIC of India. |
| 69. | ITA NO. 29/2020 | MP High Court | Matter relates to section 10AA providing for receipts/turnover eligible for deduction, and income arose on account of gain of foreign currency fluctuations can be treated as "export turnover". |

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| 70. | ITA NO. 30/ 2020 | MP High Court | Matter relates to deduction under Section 80IB(10) and allowance on a prorata basis. |
| 71. | ITA NO. 32/2020 | MP High Court | Matter relates to exemption of the receipts of the insurance policy falling under “keyman insurance policy” section 10 (10D) of the Income Tax Act. |
| 72. | ITA NO. 31/2020 | MP High Court | Matter relates to exemption of the receipts of the insurance policy falling under “keyman insurance policy” section 10 (10D) of the Income Tax Act. |
| 73. | ITA 49/2022 ITA 157/2022 ITA 158/2022 ITA 159/2022 ITA 160/2022 | MP High Court | Issue of validity of proceedings of search assessments u/s 153A of the Income Tax Act, in absence of incriminating documents and unexplained cash credit. |
| 74. | I.T.A./184/2020 I.T.A./59/2021 I.T.A./38/2021 I.T.A./69/2021 I.T.A./70/2021 | ITAT Indore | Issue of validity of proceedings of search assessments u/s 153A of the Income Tax Act, in absence of incriminating documents and unexplained cash credit. |
| 75. | I.T.A. No. 609/Kol/2018 | ITAT Kolkata | Issue of unexplained cash credit u/s of 68 of Income Tax Act, dealing with the nuances of the law with respect to identity, credit worthiness and genuineness of transaction. |
| 76. | ITA Nos. 155 and 156/Ind/2023 | ITAT Indore | Ld. AO has made a hypothetical addition as unexplained cash credit within the meaning of section 68 of the Income-tax Act, 1961 is justified without been there been any entry in books of accounts and assessee has not entered into transaction of neither purchase of the share nor sold the same, therefore, no credit entry is found in books of accounts |

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| | | | of appellant assessee, hence the addition u/s 68 of the Act is not tenable in absence of credit entry in the books of assessee. |
| 77. | ITA No. 749/Kol/2014 | ITAT, Kolkata | Matter relates to levy of penalty under section 271(1)(c) of the Income Tax Act, 1961 in respect of addition of income under the normal computation still lower than the book profit/ MAT taxation. |
| 78. | CA(CAA) 1680/230-232/MB/2018 | NCLT Mumbai | Important Merger of 6 companies wherein transferee company was a NBFC. |
| 79. | TP 37/2019 CP 64/2019 | NCLT Indore | Oppression & Mismanagement matter, dealing with minority shareholders rights, and issue of personal guarantee of a director who is also minority shareholder. |
| 80. | IBA/1053/2019 | NCLT Chennai | For initiation of CIRP under IBC, dealing with issue of requirement of actual delivery document to substantiate invoice for supply of goods. |
| 81. | CA (AT) (CH) (INS) NO. 307 of 2021 | NCLAT Chennai | The NCLAT allowed the appeal dealing with an important issue that the NCLT has erred in holding that there is a pre-existing dispute merely on the basis of the objection of the Corporate Debtor raised first time before the NCLT. |
| 82. | Civil Appeal No(s). 6602/2023 CA (AT)(I)-266-2023 CP(IB) 9/2020 | Supreme Court NCLAT NCLT Indore | Represented the resolution professional in approval of the resolution plan. Important issue involved was whether alongwith approval of the resolution plan the personal guarantees in hold of dissenting creditors be also released in favour of the resolution applicant. |
| 83. | CA(AT)(INS) 661/2020 | NCLAT New Delhi | Matter dealt with the issue that whether after passing of CIRP |

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| | | | initiation order by NCLT of a company, the CIRP can be closed merely on the ground of settlement between the applicant under section 9 and the company, even it tantamount to closure of CIRP dealing with all creditors. |
| 84. | CA(AT)(INS) 425/2018 | NCLAT New Delhi | Matter dealt with the issue that whether NCLT has power to waive the requirement of public notice for expression of interest (for resolution applicant) in the case when the COC has already selected and approved Resolution Applicant without complying with procedure of public invitation under IBC. |
| 85. | CA(AT)(INS) 06/2018 | NCLAT New Delhi | Matter dealt with issue that when the application for CIRP filed for default for supply for a particular year, whether dispute raised for supply in some different year can tantamount to rejection of application. |
| 86. | CP(IB) 2361/2019 | NCLT Mumbai | Matter dealt with the issue that whether after passing of CIRP initiation order by NCLT of a company, the CIRP can be closed merely on the ground of settlement between the applicant under section 9 and the company, even it tantamount to closure of CIRP dealing with all creditors. |
| 87. | CA(CAA) 93/2019 | NCLT Indore at Ahmedabad | Important Merger of 19 companies with single comprehensive scheme involving merger, demerger and hive off. |
| 88. | MA 88/2021 | NCLT Chennai | Matter dealt with the issue that whether NCLT is bound to pass speaking order in every application filed before it. Also dealt with the |

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| | | | issue that whether Registrar can decide on applications filed under Section 420(2) of the Companies Act, 2013 without listing the same before the Bench. |
| 89. | CP(CAA) 1/2020 CA(CAA) 39/2019 | NCLT Indore | Important Reverse Merger, wherein holding company (also public company) was merged into its subsidiary company (private limited company). |
| 90. | CP(CAA) 4/2020 CA(CAA) 141/2018 | NCLT Indore | Important Merger of 4 companies, wherein one of the transferor was a public company merged into private limited company. |
| 91. | CP/616/IB/2017 NCLT MA/677/2018 NCLT MA/125/IB/2018 NCLT MA/61/IB/2018 NCLT | NCLT Chennai | Matter dealt with the issue that whether corporate debtor can treat the default of payment for a particular year as withholding of payment on the ground of dispute pertaining to some different year. |
| 92. | COMP/1/2019 NCLT | NCLT Chennai | Matter dealt with the issue that whether NCLT can invoke contempt jurisdiction against Resolution Professional for concealing material facts. |
| 93. | CP/17/241- 242/NCLT/AHM/2 019 NCLT | NCLT Indore | Oppression & Mismanagement matter, dealing with minority shareholders rights. |
| 94. | CP/IB/641/9/HDB/ 2019 IA/709/2018 IA/711/2018 CP/IB/313/9/HDB/ 2018 | NCLT Hyderabad | Matter dealt with the issue that whether CIRP cannot be initiated on the ground that the company debtor has delayed the payment to banks due to preferential payment to small and marginalised farmers and require certain time to clear dues of banks. |
| 95. | CP/IB/240/CHD/H RY/2019 | NCLT Chandigarh | Matter dealt with the issue that whether application under section 7 |

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| | | | can be filed by unsecured financial creditor having no written agreement towards such unsecured financial facilities. |
| 96. | CA/321/252/3/ AHM/2018/NCLT | NCLT Indore | Matter relating to revival of company arbitrarily strike off by the Ministry of Corporate Affairs. |
| 97. | IA/141/CTP/2019 TP/122/CTB/2019 | NCLT Cuttack | Important matter dealing with issue of transfer of winding up matters from High Court to NCLT. |
| 98. | CP/IB/331/9/HDB/ 2018 CP/IB/351/9/HDB/ 2018 CA/552/2018 CA/553/2018 | NCLT Hyderabad NCLAT New Delhi | Important IBC matter, wherein company debtor challenged CIRP order of NCLT before NCLAT and respondent (applicant under section 9) during pendency of appeal settled the matter before Appellate Tribunal and prayed for setting aside of CIRP order. The issue aroused that whether a creditor other than applicant can defend the CIRP order before NCLAT even not being party before NCLT. |
| 99. | MA/IB/521/KB/20 19 MA/IB/542/KB/20 19 CP/IB/387/KB/201 7 | NCLT Kolkata | Important matter dealing with issue that after the approval of Resolution Plan/Resolution Applicant whether Resolution Professional is bound to admit claims towards essential supply made during CIRP. |
| 100. | CP/IB/538/KB/201 8 | NCLT Kolkata | Important matter dealing with issue of transfer of winding up matters from High Court to NCLT. |
| 101. | CP/IB/603/KB/201 7 | NCLT Kolkata | Matter for initiation of Insolvency of a large defaulter holding debt of 600 Crs (Approx). |
| 102. | CP/IB/128/MB/201 8 | NCLT Mumbai | Matter for initiation of Insolvency of a large defaulter holding debt of 200 Crs (Approx). Represented the lead creditor |
| 103. | (MP) CP(IB) 55/2020 | NCLT Indore | Important legal issues relating to default by director in personal |

| | | | |
|------|---|----------------------------------|--|
| | | | capacity actions against Company, doctrine of separate legal entity. |
| 104. | C.P. (IB) No. 29/NCLT/AHM/2018 | NCLT Indore | Matter relates to issue that whether proceedings pertaining to provident fund can be undertaken during moratorium under section 14 of the IBC. |
| 105. | CP (IB)/1976(KB)2019 | NCLT Kolkata | Legal issue of dispute against debt in initiation insolvency of company |
| 106. | TP/MP/218/2019 CP 55/2019 | NCLT Indore at Ahmedabad | Legal issue of oppression and mismanagement or tussle between family members as shareholders |
| 107. | (MP) CP 11/2020 | NCLT Indore at Ahmedabad | Legal issue of right to file application for oppression and mismanagement when the entitlement to shares is itself illegal. |
| 108. | (MP) CP(IB)/1/2020 | NCLT Indore at Ahmedabad | Legal issue of dispute against debt in initiation insolvency of company |
| 109. | IA/265/2019 CP(AT) 412/2019 | NCLAT New Delhi | Legal issue concerning recalling of order by NCLAT after coming to knowledge of fraud played by concerned party in submitting misleading information before court. |
| 110. | TP (Co. Act)-28 (PB) of 2021 (MP) CP(CAA) 11 of 2020 in CA(CAA) 93 of 2019 | NCLT New Delhi NCLT Indore | Matter concerning comprehensive restructuring (merger, demerger, hive off, etc) of 19 companies falling under jurisdiction of multiple NCLTs. |
| 111. | CP/722/IB/2018 NCLT | NCLT Chennai | Matter for initiation of Insolvency of a large defaulter holding debt of 150 Crs (Approx). Represented the lead creditor |
| 112. | CP(CAA) No. 82 (KB) 2023 | NCLT Kolkata | Matter concerning merger/restructuring |
| 113. | C.P.(IB)/23(MP) 2021 | NCLT Indore | Important matter of a company itself going into insolvency, and the |

| | | | |
|------|--|---|---|
| | | | petition getting admitted despite of multiple objections by the creditors. |
| 114. | ST/50145/2019 | CESTAT Delhi | Matter relates to levy of service tax in respect of manufacturing and sale of goods bearing brands of other parties on retention of fixed margin and payment of variable surplus to brand owners. |
| 115. | ST/214/2007 ST/176/2007 ST/99/2007 | CESTAT Delhi | Matter relates to levy of service tax on packaging of products for its own sales. |
| 116. | A-566-11 A-594-12 | MP Commercial Tax Appellate Board | Matter dealing with constitutional issue of levy of VAT on "Rectified Spirit" manufactured under the licence under MP Excise Act. |
| 117. | SA 5262/2016 SA 5263/2016 | Settlement Commission Indirect Taxes New Delhi | Matter relates to availment of CENVAT credit on capital goods in respect of non-taxable goods. |
| 118. | COMIP NO.174 OF 2019 | Bombay High Court | Intellectual property matter. |
| 119. | COMIP NO. 473 OF 2019 | Bombay High Court | Intellectual property matter. |
| 120. | CS(COMM) 102/2020 | Delhi High Court | Intellectual property matter. |
| 121. | CS(COMM)/305/2 019 | Delhi High Court | Intellectual property matter. |
| 122. | WP/9899/2017 WP/9900/2017 | Delhi High Court | Matter pertaining to remuneration to directors and restraintment by Ministry of Corporate Affairs. |

(b) Reported judgments in which the concerned Advocate(s) had appeared in last five years and rendered assistance:

| S. No. | Citation | Court/Tribunal |
|--------|--------------------------------------|------------------------|
| 1. | MANU/SC/0214/2019 2019(3)SCALE556 | Supreme Court of India |

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|-----|---|---|
| | (2020)12SCC690 | |
| 2. | MANU/MP/0936/2022 | High Court Of Madhya Pradesh (Indore Bench) |
| 3. | MANU/MP/0902/2024 | High Court Of Madhya Pradesh (Indore Bench) |
| 4. | MANU/MP/1504/2023 | High Court Of Madhya Pradesh (Indore Bench) |
| 5. | MANU/MP/3793/2023 | High Court Of Madhya Pradesh (Jabalpur Bench) |
| 6. | MANU/MP/1135/2023 | High Court Of Madhya Pradesh (Indore Bench) |
| 7. | MANU/MP/0601/2023 | High Court Of Madhya Pradesh (Indore Bench) |
| 8. | MANU/MP/1084/2019 [2019]267TAXMAN618(MP) | High Court Of Madhya Pradesh (Indore Bench) |
| 9. | MANU/MP/1484/2019 | High Court Of Madhya Pradesh (Gwalior Bench) |
| 10. | MANU/MP/1084/2019 [2019]267TAXMAN618(MP) | High Court Of Madhya Pradesh (Indore Bench) |
| 11. | MANU/MP/1407/2020 2020(83)PTC215(MP) | High Court Of Madhya Pradesh (Indore Bench) |
| 12. | MANU/RH/1277/2022 | High Court of Rajasthan (Jaipur bench) |
| 13. | MANU/IK/0457/2023 | ITAT |
| 14. | MANU/II/0053/2023 | ITAT |
| 15. | MANU/II/0060/2022 | ITAT |
| 16. | MANU/II/0176/2023 | ITAT |
| 17. | MANU/NL/0986/2023 | NCLAT |
| 18. | MANU/NL/0490/2019 | National Company Law Appellate Tribunal, New Delhi |

| | | |
|-----|-------------------|--|
| 19. | MANU/NL/0092/2021 | National Company Law Appellate Tribunal, New Delhi |
| 20. | MANU/NL/0468/2021 | National Company Law Appellate Tribunal, New Delhi |
| 21. | MANU/NC/2756/2021 | National Company Law Tribunal |
| 22. | MANU/ND/9071/2019 | National Company Law Tribunal Ahmedabad Bench |
| 23. | MANU/ND/1053/2019 | National Company Law Tribunal Ahmedabad Bench |
| 24. | MANU/ND/1780/2019 | National Company Law Tribunal Mumbai Bench |
| 25. | MANU/ND/1932/2019 | National Company Law Tribunal Chennai Bench |
| 26. | MANU/ND/1931/2019 | National Company Law Tribunal Chennai Bench |
| 27. | MANU/ND/2366/2019 | National Company Law Tribunal Chennai Bench |
| 28. | MANU/ND/7676/2020 | National Company Law Tribunal Ahmedabad Bench |
| 29. | MANU/ND/7674/2020 | National Company Law Tribunal Ahmedabad Bench |
| 30. | MANU/NC/9517/2020 | National Company Law Tribunal Mumbai Bench |
| 31. | MANU/NC/0792/2021 | National Company Law Tribunal Chennai Bench |
| 32. | MANU/NC/0887/2021 | National Company Law Tribunal Ahmedabad Bench |
| 33. | MANU/NC/5951/2022 | National Company Law Tribunal |

(16) Whether he/she has written any book on law or made any contribution to a law publication or journal? If so, the details.

- Article on "Interplay between IBC and Tax Laws" in AIFTP Journal June 2023 edition at page 63.



- Article on “*Specified domestic transactions: retrospective operability of omission of clause (i) to section 92 BA (1)*” Published in June, 2020 edition of the Bombay Chartered Accountants Journal (BCAJ) at page 19.
- Article on “*The Applicability of a High Court's Decision Outside Its Jurisdiction*” in [2021] 128 taxmann.com 387 (Article).

(16a) Whether he/she has/had teaching assignments or delivers/delivered guest courses at Law schools? If yes details

| SN | Events | Institutions | Invited as | Date |
|----|---|---|------------|------------|
| 1. | The Padma Vibhushan N. A. Palkhivala Memorial National Moot Court Competition | All India Federation of Tax Practitioners (AIFTP), the Income Tax Appellate Tribunal (ITAT) Bar Association, and The Goods and Service Tax Practitioners Association of Maharashtra (GSTPAM) and Maharashtra National Law University Mumbai | Panelist | 26.10.2023 |
| 2. | National Mediation Competition, 2022 Alongwith Hon'ble Justice AK Sikri | Law Internships | Panelist | 06.02.2022 |

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|----|---|--|--------------------------------|---------------|
| | (Former Supreme Court Judge) and Sr. Adv. Dr. Pradeep Rai Vice- President Supreme Court Bar Association. | Online Law School | | |
| 3. | Guest Lecture on Income Tax | Indian Institute of Technology Kharagpur | Speaker | October, 2021 |
| 4. | National Panel Discussion on How taxes can be used to make India a first world nation. Alongwith national renowned advocates. | Indian Lawyers Association | Chief Panelist | 24.07.2021 |
| 5. | Padma Shri Dr. NN Jain II National Debate Competition 2021. Alongwith Justice VK Shukla (former Chief Justice Allahabad High Court). | Prestige Institute of Management and Research | Guest of Honour in valedictory | 20.06.2021 |
| 6. | Panel discussion on Changing paradigm of corporate and commercial law. Alongwith C. Ramchandrarao (GM- Insolvency and Bankruptcy Board of India). | Jagran Lakecity University | Guest of Honour | 19.06.2021 |
| 7. | Induction training of Inspectors of Central Excise and CGST Bhopal Zone | National Academy of Customs, Indirect Tax and Narcotics (NACIN) Bhopal | Guest Faculty | 21.05.2021 |
| 8. | National Contract Drafting Competition 2021 | Christ University Bangalore | Head Evaluator for finalists | 05.03.2021 |
| 9. | National Article Drafting Competition | Jagran Lakecity University | Head Evaluator | 01.07.2020 |

| | | | | |
|-----|---|------------------------------------|------------------------|------------|
| | | | or for finalists | |
| 10. | One-day certificate program in the domain of Insolvency and Bankruptcy Code, 2016 (IBC) | Jagran Lakecity University, Bhopal | Chief Invitee/ Speaker | 19.10.2019 |

(17) Whether he/she attended or participated in any seminar/conference relating to law?

A regular invitee as guest speaker/presenter/speaker at various seminar/conference relating to law, few being:


| S No. | Events | Institutions | Invited as | Date |
|-------|---|--|----------------|------------|
| 1. | 360 Degree Analysis of Important Amendments in Direct Tax | JMVD Legal | Chief Panelist | 12.02.2022 |
| 2. | Critical Analysis of Important Amendments in Indirect Tax Laws in Finance Bill 2022 | JMVD Legal | Chief Panelist | 19.02.2022 |
| 3. | Search & Seizure under Income Tax- Issues & Challenges New era of Faceless Assessment in Direct Tax and Search, Seizure & Arrest under CST- Issues & Challenges New era of Self Assessed ITC in GST | Income Tax Sales Tax Practitioners Bar Association Khandwa | Chief Panelist | 30.04.2022 |
| 4. | Corporate Governance- "the greener side" | ICSI chapter Indore | Chief Panelist | 05.03.2022 |
| 5. | National Panel Discussion on How taxes can be used to make India a first world nation. Alongwith | Indian Lawyers Association | Chief Panelist | 24.07.2021 |

| | | | | |
|-----|---|---|------------------------|------------|
| | national renowned advocates. | | | |
| 6. | Panel Discussion on decoding the direct tax implications of finance bill 2021. Alongwith Mr. Ajay Singh, former president Chamber of Tax Consultants | JMVD Legal and Indian Lawyers Association | Chief Panelist | 07.02.2021 |
| 7. | Panel Discussion on JDA-Issues under GST. | JMVD Legal, Indian Lawyers Association and CREDAI | Chief Panelist | 23.01.2021 |
| 8. | Panel Discussion on Interplay of IBC with law of limitation. Alongwith Mr. Madhukar Umarji (former Executive Director RBI, member of IBC & SARFAESI drafting committee) | JMVD Legal, IBC Laws, IBC Law Reporter | Chief Panelist | 29.08.2020 |
| 9. | National Webinar on Exploring The Consitutiveness Of The Words 'Oppression' And 'Mismanagement' (The Corporate Family Dispute Before NCLT) – In Context Of Chapter Xvi Of The Companies Act, 2013 | JMVD Legal | Chief Invitee/ Speaker | 28.05.2020 |
| 10. | Seminar on Valuation and Indemnity | Institution of Valuers Indore | Chief Invitee/ Speaker | 25.08.2019 |
| 11. | Changing paradigm of corporate laws | ICSI Indore Chapter | Chief Invitee/ Speaker | 19.04.2018 |
| 12. | Seminar on Business Succession Planning | Tax Practitioners Association, | Chief Invitee/ Speaker | 03.03.2018 |

| | | | | |
|--|--|------------------------------|--|--|
| | | Income Tax Office, Indore | | |
|--|--|------------------------------|--|--|

| CONFERENCES/SEMINARS | | |
|--|---|--------------------------------------|
| I have attended more than 200 Conferences/ Seminars in past 5 years. | <ul style="list-style-type: none">• Chamber of Tax Consultants• All India Federation of Tax Practitioners• Bombay Chartered Accountants Society• Institute of Company Secretaries of India• Institute of Chartered Accountants of India• Insolvency and Bankruptcy Board of India• ICSI Insolvency Professional Agency• ICAI Insolvency Professional Agency• ICMAI Insolvency Professional Agency• Tax Practitioners Association, Indore• Association of Industries Madhya Pradesh• Indore Management Association• Federation of Indian Chambers of Commerce and Industry• Global Intellectual Property Convention• Confederation of Indian Industries• ASSOCHAM• Indian Merchant Chambers Mumbai | Participant/ Invitee/ Attendee |

(18) Whether he/she is/was connected with any faculty of Law? –



1. National Academy of Direct Taxes, Nagpur
2. National Academy of Customs, Indirect Taxes & Narcotics, Bhopal
3. Indian Institute of Technology, Kharagpur
4. Indian Institute of Corporate Affairs, Manesar
5. National Law Institute University, Bhopal
6. Gujarat National Law University, Gandhinagar
7. National Law University Odisha
8. Ram Manohar Lohia National Law University, Lucknow
9. Maharashtra National Law University
10. Christ University Bangalore
11. Christ University NCR, Ghaziabad
12. Narsee Monjee Institute of Management Sciences
13. Jagran Lakecity University
14. UPES Dehradun
15. International Institute of Professional Studies, Devi Ahilya Vishva
Vidyalaya (DAVV)
16. Prestige Institute of Management & Research
17. Asia Law College, Noida
18. Bharati Vidya Peeth, Pune
19. Indore Institute of Law
20. Law Internships

(19) Whether any application for designation as senior advocate had been made in the past to the High Court of Madhya Pradesh or Court? If so, when and with what result? Applied vide application dated 30.07.2021, however same was not approved. **Copy of the application dated 30.07.2021 is annexed herein.**



(20) Whether ordinarily practising within the jurisdiction of the High Court of Madhya Pradesh- YES

(21) Whether he/she has ever been personally involved in any civil or criminal litigation or contempt proceedings or any disciplinary proceedings against him by the Bar Council. If so the details thereof.- NO

(22) Details of participation in pro-bono work,-

Associated as an advocate for pro-bono work, with various Non-governmental organisations or associations concerned in public cause and upholding public interests:

Associations with public/social welfare institutions:

- Rotary Club of Indore Corporate, Indore (M.P.)
- International Association of Lions Clubs, Indore (M.P.)
- Tejaswi Lok Karyakram Evam Shodh Sansthan, Khandwa (M.P.)
- RTI Foundation, Indore

In probono, routinely I am active in spreading legal awareness on contemporary legal issues through different professional institutes. Also, I have been active in spreading legal education to students of various colleges/institutions as a guest lecturer.

In specific, I have also done activities of pro-bono and for public cause, few of them are listed as under:

- In probono, raised concerns of around 200 investors of Sahara Housing and credit cooperative society bondholders before the SEBI Mumbai (who were situated in rural areas of Bhadohi Uttar Pradesh and Morena, Madhya Pradesh), whose name was not included in the list of investors submitted by



SEBI placed before the Hon'ble Supreme Court of India, due to claim filing beyond last date. After a long process of representation before SEBI now the matter is being considered by SEBI.

- Raised grievance of Ms. Kamala Mehra (widow) before the West Central Railway authorities. She being the widow of an ex-employee was not getting post-employment benefits as a widow of her husband.

(22a) details of five best synopsis filed by the advocate concerned:

1. ITA No. 130/2023 at MP High Court involving issue: Whether on the fact and in the circumstances of the case, the ITAT was justified in law in confirming the Order of CIT(A) that the undisclosed income surrendered during the Search and Seizure action, is liable to be taxed at normal rate instead of the tax rate stipulated under Section 115BBE of the Income Tax Act is the substantial question of law or not Court held no substantial question of law.
2. Writ Appeal No. 537 of 2023 at MP High Court involving issue: Issue concerning taxability of property tax on leasehold premises allotted by development authorities to educational institutions.
3. Writ Petition No. 5029 of 2022 at MP High Court involving issue: Issue of payment of interest on delayed refund of VAT pre-deposit under Article 226, in absence of statutory prescription
4. ITA No. 271/2022 at MP High Court involving issue: Issue of concurrent finding of facts by ITAT v. substantial question of law, decided on whether, non-appreciating the facts mentioned in the remand report and in accepting the additional evidence submitted by the assessee during the appeal proceedings, is a substantial question of law in terms of Rule 46A of the Income Tax Rules.



5. I.T.A./184/2020 at ITAT Indore involving issue: Issue of validity of proceedings of search assessments u/s 153A of the Income Tax Act, in absence of incriminating documents and unexplained cash credit.

(23) Other information particulars, if any, including legal services and as Legal aid counsel:

Routinely, I provide legal consultancy/ advisory /litigation services to people of lower income group and those residing in rural areas. This includes:

- Legal consultancy and advisory.
- Preparing RTI, complaints, response to summons of authorities, etc for such persons.
- Spreading of legal awareness amongst lower income/rural persons.
- Drafting & vetting of agreements.
- Due diligence of property documents and advising upon its title.
- Preparation of legal notices.
- Drafting of pleadings etc.

| <u>INFRASTRUCTURE USED BY ME FOR LEGAL SERVICES</u> | | | |
|---|--|------------------------|-------------------------|
| | Address | Area in Sq. Ft. | Seating Capacity |
| Office 1: | 302, Man Heritage, South Tukoganj, Indore (M.P.) Opposite High Court Gate No. 3 | 500 | 12 |
| Office 2: | 402, Asha Dilpasand Imperial, South Tukoganj, Indore (M.P.) | 1200 | 25 |



| | | | |
|-------------------------------|--|------------|----------|
| | Opposite High Court Gate No. 4 | | |
| Residence chamber: | 11-d, Slice-4, Scheme-78, Vijaynagar, Indore (M.P.) | 300 | 5 |

(24) Details of services rendered by way of legal services, mediation work, other para-legal activities, assistance rendered to various administrative committees of the High Court, etc.

I have had the privilege of rendering a diverse range of legal services over the course of my career, encompassing areas such as litigation, corporate law, and alternative dispute resolution. In addition to representing clients in various courts and tribunals, I have also engaged in extensive mediation work, facilitating amicable resolutions to complex disputes.

Furthermore, I have actively participated in para-legal activities, offering assistance to individuals and organizations in navigating legal processes and understanding their rights and obligations. Additionally, I have been diligent in enhancing the efficiency and effectiveness of the judicial system.

Through these experiences, I have demonstrated my commitment to the highest standards of professionalism, integrity, and excellence in the practice of law, and I am fully prepared to continue serving the legal community with dedication and distinction in the capacity of a senior designation.

Date: 14.04.2024



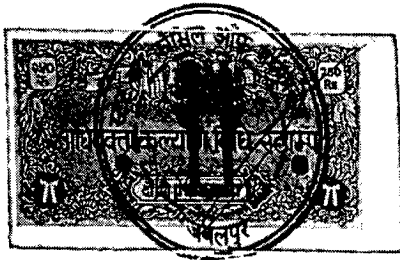
V.N. DUBEY
ADVOCATE

Mobile No. +91-9826398848
E-mail ID- vndubeyoffice@gmail.com

मध्य प्रदेश राज्य अधिवक्ता परिषद्, एतद् द्वारा प्रमाणित करती है कि
श्री वशिष्ठ नारायण दुबे पिता स्व. श्री किन्तामणि दुबे

स्थान इन्दौर को एडवोकेट के रूप में
स्वीकृत कर एडवोकेट्स एक्ट १९६१ (अधिनियम क्रमांक २५ सन् १९६१)
की धारा १७ के आधीन उनका नाम म.प्र. राज्य अधिवक्ता परिषद् की
एडवोकेट सूची के क्रमांक म.प्र./ 1179/07/एड. /नामां. दि. 29.7.07
पर अंकित किया गया है।

आज मिति 14 आषाढ शु. वि. संवत् 2064 तदनुसार
दिनांक 29 जुलाई 2007 को म.प्र. राज्य अधिवक्ता परिषद् के
आदेशानुसार मेरे हस्ताक्षराधीन प्रदत्त।



(Handwritten signature)

अध्यक्ष
म.प्र. राज्य अधिवक्ता परिषद्

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T/C

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INDIAN INCOME TAX RETURN ACKNOWLEDGEMENT

Assessment

Year

2023-24

[Where the data of the Return of Income in Form ITR-1(SAHAJ), ITR-2, ITR-3, ITR-4(SUGAM), ITR-5, ITR-6, ITR-7
filed and verified]
(Please see Rule 12 of the Income-tax Rules, 1962)

| | | | |
|--------------------------------|--|---------------------------------|-----------------|
| PAN | ABKPD5050C | | |
| Name | VASHISTHA NARAYAN DUBEY | | |
| Address | 11-D, SLICE 4, SCHEME NO. 78, VIJAY NAGAR , INDORE , 18-Madhya Pradesh, 91-INDIA, 452010 | | |
| Status | Individual | Form Number | ITR-3 |
| Filed u/s | 139(1)- On or Before due date | e-Filing Acknowledgement Number | 387861901051023 |
| Taxable Income and Tax Details | Current Year business loss, if any | 1 | 0 |
| | Total Income | 2 | 25,46,360 |
| | Book Profit under MAT, where applicable | 3 | 0 |
| | Adjusted Total Income under AMT, where applicable | 4 | 0 |
| | Net tax payable | 5 | 5,21,464 |
| | Interest and Fee Payable | 6 | 11,936 |
| | Total tax, interest and Fee payable | 7 | 5,33,400 |
| | Taxes Paid | 8 | 5,33,405 |
| | (+) Tax Payable /(-) Refundable (7-8) | 9 | 0 |
| Accreted Income and Tax Detail | Accreted Income as per section 115TD | 10 | 0 |
| | Additional Tax payable u/s 115TD | 11 | 0 |
| | Interest payable u/s 115TE | 12 | 0 |
| | Additional Tax and interest payable | 13 | 0 |
| | Tax and interest paid | 14 | 0 |
| | (+) Tax Payable /(-) Refundable (13-14) | 15 | (+) 0 |

This return has been digitally signed by VASHISTHA NARAYAN DUBEY in the capacity of
Self having PAN ABKPD5050C from IP address 49.43.7.147 on 05-Oct-2023
17:36:44 DSC SI.No & Issuer 8019633 & 23880598CN=e-Mudhra Sub CA for Class 3 Individual
2022,OU=Certifying Authority,O=eMudhra Limited,C=IN

System Generated

Barcode/QR Code



ABKPD5050C03387861901051023b6037ae909695b566f09724308e8621912a11c25

DO NOT SEND THIS ACKNOWLEDGEMENT TO CPC, BENGALURU

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INDIAN INCOME TAX RETURN ACKNOWLEDGEMENT

Assessment Year

[Where the data of the Return of Income in Form ITR-1 (SAHAJ), ITR-2, ITR-3, ITR- 4(SUGAM), ITR-5, ITR-6, ITR-7 filed and verified]

2022-23

(Please see Rule 12 of the Income-tax Rules, 1962)

PAN ABKPD5050C

Name VASHISTHA NARAYAN DUBEY

Address 11-D,SLICE 4 , SCHEME NO. 78 , VIJAY NAGAR , INDORE . 18-Madhya Pradesh , 91-INDIA , 452010

Status Individual

Form Number

ITR-3

Filed u/s 139(1)-On or before due date

e-Filing Acknowledgement Number 631831410101022

| | | | |
|--------------------------------|---|----|-----------|
| | Current Year business loss, if any | 1 | 0 |
| | Total Income | | 18.97.390 |
| Taxable Income and Tax details | Book Profit under MAT, where applicable | 2 | 0 |
| | Adjusted Total Income under AMT, where applicable | 3 | 18.97.390 |
| | Net tax payable | 4 | 3.96.986 |
| | Interest and Fee Payable | 5 | 5.432 |
| | Total tax, interest and Fee payable | 6 | 4,02.418 |
| | Taxes Paid | 7 | 4.02,414 |
| | (+) Tax Payable / (-) Refundable (6-7) | 8 | (+) 0 |
| Accreted Income & Tax Details | Accreted Income as per section 115TD | 9 | 0 |
| | Additional Tax payable u/s 115TD | 10 | 0 |
| | Interest payable u/s 115TE | 11 | 0 |
| | Additional Tax and interest payable | 12 | 0 |
| | Tax and interest paid | 13 | 0 |
| | (+) Tax Payable / (-) Refundable (12-13) | 14 | 0 |

Income Tax Return submitted electronically on 10-Oct-2022 22:53:54 from IP address 49.36.19.56 and verified by VASHISTHA NARAYAN DUBEY having PAN ABKPD5050C on 15-Oct-2022 using Electronic Verification Code XN2TZJU5MI generated through Aadhaar OTP mode.

System Generated

Barcode/QR code



ABKPD5050C0363183141010102283c0a4cf4f28f848d965b6408b3a86d5e2393932

DO NOT SEND THIS ACKNOWLEDGEMENT TO CPC, BENGALURUTIC
ll

INDIAN INCOME TAX RETURN ACKNOWLEDGEMENT

[Where the data of the Return of Income in Form ITR-1 (SAHAJ), ITR-2, ITR-3, ITR-4(SUGAM), ITR-5, ITR-6, ITR-7
filed and verified]
(Please see Rule 12 of the Income-tax Rules, 1962)

Assessment Year
2021-22

| | | | |
|-----------|---|---------------------------------|-----------------|
| PAN | ABKPD5050C | | |
| Name | VASHISTHA NARAYAN DUBEY | | |
| Address | 11-D , SLICE 4 , SCHEME NO. 78 , VIJAY NAGAR , INDORE , 18-Madhya Pradesh , 91-India , 452010 | | |
| Status | Individual | Form Number | ITR-3 |
| Filed u/s | 139(1) Return filed on or before due date | e-Filing Acknowledgement Number | 276761780020322 |

| | Taxable Income and Tax details | Sl. No. | Amount |
|-------------------------------------|---|------------|-----------|
| Taxable Income and Tax details | Current Year business loss, if any | 1 | 0 |
| | Total Income | | 10,52,940 |
| | Book Profit under MAT, where applicable | 2 | 0 |
| | Adjusted Total Income under AMT, where applicable | 3 | 10,52,940 |
| | Net tax payable | 4 | 1,33,517 |
| | Interest and Fee Payable | 5 | 0 |
| | Total tax, interest and Fee payable | 6 | 1,33,517 |
| | Taxes Paid | 7 | 1,89,450 |
| (+)Tax Payable /(-)Refundable (6-7) | 8 | (-) 55,930 | |
| Distribution Tax details | Dividend Tax Payable | 9 | 0 |
| | Interest Payable | 10 | 0 |
| | Total Dividend tax and interest payable | 11 | 0 |
| | Taxes Paid | 12 | 0 |
| | (+)Tax Payable /(-)Refundable (11-12) | 13 | 0 |
| Accreted Income L. Detail | Accreted Income as per section 115TD | 14 | 0 |
| | Additional Tax payable u/s 115TD | 15 | 0 |
| | Interest payable u/s 115TE | 16 | 0 |
| | Additional Tax and interest payable | 17 | 0 |
| | Tax and interest paid | 18 | 0 |
| | (+)Tax Payable /(-)Refundable (17-18) | 19 | 0 |

Income Tax Return submitted electronically on 02-03-2022 14:33:03 from IP address 10.1.36.245 and verified by VASHISTHA NARAYAN DUBEY having PAN ABKPD5050C on 11-03-2022 12:21:56 using Electronic Verification code XIA7BW6LNI generated through Aadhaar OTP mode

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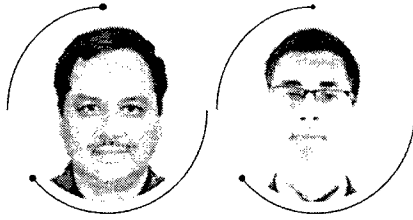
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ABKPD5050C0327676178002032247A5E4A00FBEEEABD096285E059F4EF2647BBB96

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Interplay between IBC and Tax Laws

V. N. Dubey & Amit Dubey, *Advocates*

Introduction

Tax laws are framed under constitutional regime to secure the budgetary requirements of the government. Business entities are the milking cows for the government sourcing a continuous flow of revenue, therefore it is important to have proper framework to deal with health issues of such business entities. Effective resolution of sick entities is must for healthy economy of the country, in the long run they give benefits to all stakeholders including government.

Laws dealing with sick entities were completely overhauled with the introduction of the Insolvency and Bankruptcy Code, 2016 (“Code” or “IBC” or “Law of 2016”) which in contrary to previous laws made focus on resolution of sick entities instead of earlier regime of restructuring, closure and sale of assets, it is pertinent to note that the law of 2016 was not a recovery mechanism but a medicine *sanjeevani* for the business nearing death bed to stand again, it would not be wrong to state that law of 2016 is also an intermittent treatment for entities diagnosed to have near illness to allow them to be treated/ resolved as a going concern.

The Code proved to be a complete reformation in the Indian Insolvency regime. When the Code came into force, there was a serious lack of a law that would provide for an effective and time bound Insolvency resolution of an entity, the erstwhile laws focused on direct Liquidation without having any scope of rehabilitation. Liquidation of an entity involves the cessation of its business, the realization of its assets, the

payment of its debts and liabilities, and the distribution of any remaining assets to the members. At the end of the liquidation process, the entity ceases to exist. With the coming of the Code, there was a shift from liquidation to Insolvency Resolution, now the law aims at preserving the going concern value instead of disposal of assets on piece meal basis. The underlying principle behind restructuring or reorganization proceedings is that a business may be worth a lot more if preserved, or even sold as a going concern than if the parts are sold off piecemeal. In other words, there is a surplus of going-concern value over liquidation value. Since going-concern value may be a lot more than the value of a business on a break-up basis, reorganization proceedings are designed to keep the business alive so that this additional value can be captured. The Code came with the noble objective of bringing in place a regime for reorganization and insolvency resolution of corporate persons, partnership firms and individuals in a time bound manner for maximization of value of assets of such persons, to promote entrepreneurship, availability of credit and balance the interests of all the stakeholders including alteration in the order of priority of payment of Government dues.

The provisions contained under the Code (such as initiation on occurrence of default, moratorium, time bound process, Insolvency Professional led process, creditor in control, liquidation to occur only when resolution fails etc.) have provided an excellent framework to match its implementation with its objects.

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From the view of revenue side of government law of 2016 ensures continuity of healthy entities in economy making far better position than in a recovery intended legal regime, because a healthy entity maintains its revenue as well as the revenues of its creditors as well as debtors, which is highly entangled web, where if one entity dies it causes death of various stakeholders.

Triangular mechanism of Law of 2016

Tax laws are in their very nature based on recovery mechanism which make them tough to run on parallel track with non-recovery law of 2016. Although, law of 2016 in long run gives monetary benefits to all stakeholders but on initial level restrains all stakeholders from deriving benefits out of stressed business. Law of 2016 has triangle solution or three-point solution to work in harmonious manner with other applicable laws.

Point No. 1 of triangle: Moratorium

The purpose of moratorium under IBC is to provide relief to the corporate debtor through standstill period during which its assets are protected from dissipation or diminishment. The moratorium is intended to restrain proceedings in relation to recovery, however, assessment proceedings cannot be said as recovery proceedings in its entirety which cannot be per se said to be "against" the debtor during CIRP. Section 14 (1)(a) provides that:

14. (1) Subject to provisions of sub-sections (2) and (3), on the insolvency commencement date, the Adjudicating Authority shall by order declare moratorium for prohibiting all of the following, namely:—

(a) the institution of suits or continuation of pending suits or proceedings against the corporate debtor including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority;

The above provision has three restrictions:

1. Restriction on institution of suits,
2. Restriction on continuation of pending suits,
3. Restriction on proceedings against the corporate debtor of the nature of *execution of any judgment, decree or order*.

The term "including" in section 14(1)(a) of the code is clarificatory of the scope and ambit of the term "proceedings" would be restricted to the nature of action that follows it i.e. execution against assets of the corporate debtor, the use of narrower term "against the corporate debtor" in section 14(1)(a) as opposed to the wider phrase "by or against the corporate debtor" used in section 33(5) of the code further makes it evident that section 14(1)(a) is intended to have restrictive meaning and applicability. The assessment proceedings are only aimed at giving finality to the assessment, which, per se, is a preliminary step, and may or may not lead to a recovery against the debtor, recovery is what IBC actually bars. Therefore, tax authorities may undertake assessment proceedings limited to the extent of finalizing assessment only and not of recovering any demand.

Point No. 2 of triangle: Clean Slate

As stated, before law of 2016 is a medicine *sanjeevani* of resolution for unhealthy entities, therefore it also ensures that symptoms of disease do not reoccur and mandates final closure of all past issues, symptoms, disease, etc. making a rebirth of business entities free from all past problems. However, it does not absolve criminal liabilities of officer in charge and/or any liability personal and distinct from stressed entity. Section 31(1) of the IBC stipulates that

"31. (1) If the Adjudicating Authority is satisfied that the-resolution plan as approved by the committee of creditors under sub-section (4) of section 30 meets the requirements as referred to in sub-section

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(2) of section 30, it shall by order approve the resolution plan which shall be binding on the corporate debtor and its employees, members, creditors, including the Central Government, any State Government or any local authority to whom a debt in respect of the payment of dues arising under any law for the time being in force, such as authorities to whom statutory dues are owed, guarantors and other stakeholders involved in the resolution plan.

In the matter of Ultra Tech¹, the Rajasthan High Court while quashing the notices of tax authorities had held that the amount specified in the approved resolution plan is final and binding on all parties, irrespective of the fact whether the claimant has been heard by the resolution professional or the Committee of Creditors.

Clean slate theory also deals with criminal offences through section 32A intended to provide resolution applicant with company free from mischief of past. Section 32A provides with retrospective effect for the prevention of any prosecution, attachment, seizure, action, confiscation or retention.

The Hon'ble Supreme Court in the judgement of *Ajay Kumar Radheshyam Goenka v. Tourism Finance Corporation of India Ltd.*² has given a notable finding on the issue of effect of approval of a resolution plan on the criminal proceedings like those under Negotiable Instruments Act which have not be barred under the moratorium. The Hon'ble Supreme Court has categorically opined that:

- After passing of the resolution plan under Section 31 of the IBC by the adjudicating

authority and in the light of the provisions of Section 32A of the IBC, the criminal proceedings under Section 138 of the NI Act will stand terminated only in relation to the corporate debtor if the same was taken over by a new management.

- Section 138 proceedings in relation to the signatories/directors who are liable/covered by the two provisos to Section 32A(1) would continue in accordance with law.

Point No. 3 of triangle: Overriding Effect

Section 238 of the code gives overriding effect to the law of 2016 over any other contrary provisions in any other laws.

238. The provisions of this Code shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect by virtue of any such law.

This position of law has been cleared by Hon'ble Supreme court in various cases. In *Principal Commissioner of Income Tax v. Monnet Ispat and Energy Ltd.*³, the Hon'ble Supreme court held that the provisions of IBC will have override anything inconsistent contained in any other law including Income Tax laws as well in case of any inconsistency with the provisions of IBC. Thus, the court has time and again given priority to IBC over any other law inconsistent with the provisions of IBC. Therefore, law of 2016 has assumed a role of superiority which is in consonance with objective of giving importance to resolution over all other methods.

1. [DB Sales Tax Ref/Rev No. 9/2021, Rajasthan High Court]
 2. [Criminal Appeal No. 170 of 2023, Supreme Court]
 3. [SLP (C) No. 6483/2018, Supreme Court]

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Priority of Tax Dues

In IBC the priority of payment is given to the Secured Creditors. The term secured creditor is defined in the Section 3(30) of the code which states that, "Secured creditors means any creditor in favor of whom the security interest is created". It is pertinent to understand that the law makers have specifically used the term "secured creditor" instead of "secured financial creditors" in Section 53, thereby considering that non-financial creditors can also become secured creditor under IBC.

However, in various tax laws if any amount is due towards the fulfilling of tax liabilities, the tax authorities are given the first charge over the unpaid tax dues. This become major bone of contention as to tax dues are to be dealt as operational dues or to be treated as of first charge as secured creditors. It is pertinent to note that direct tax and indirect tax has certain difference on nature of liability, as direct tax are squeezed from the earnings of the business while indirect tax is money which business has already collected on behalf of government. In the case of *State of Maharashtra v. New Phaltan Sugar Works Ltd & Anr.*⁴, the Hon'ble NCLAT held that the first charge created by the provisions of Maharashtra VAT, 2002 is eclipsed by the provisions of the IBC and determined that the dues from statutory authority are to be considered as due from the Operational Creditors. The Dues of GST or other indirect taxes were considered as operational debt in the IBC. Although this stance is being adjudicated multiple times by the different courts and NCLT to clear the position of treatment of Indirect taxes as operational debts or to treat them otherwise based on the specific facts and circumstances of different

cases. The general interpretation of the law states the overriding effect of the IBC and the resolution plan approved by the committee of creditors over the GST laws.

In *Sundaresh Bhatt v. Central Board of Indirect Taxes and Customs*⁵, the Court had held that the IBC has an overriding effect on Customs Act (which too, creates a statutory charge in favour of the customs authorities). Similarly, in *Principal Commissioner of Income Tax v. Monnet Ispat and Energy Limited*⁶, the SC relied on *Dena Bank v. Bhikhabhai Prabhudas Parekh & Co.*⁷, and unequivocally ruled that income-tax dues, being in the nature of Crown debts, do not take precedence even over secured creditors, who are private persons. Notably, in *Dena Bank*, the SC had held that the common law doctrine of priority of crown debts would not extend to providing preference to crown debts over secured private debts. On similar lines, in *Leo Edibles and Fats Limited v. the Tax Recovery Officer*⁸, the Andhra Pradesh High Court has clearly ruled that income tax authorities cannot be equated to secured creditors, and thus cannot claim priority.

The jurisprudence regarding treatment of statutory dues got transformed pursuant to the judgement of Hon'ble Supreme Court in *State Tax Officer v. Rainbow Papers Limited*⁹, the Hon'ble Supreme Court defined the status of tax dues within the effect of triangle, twist the steering of the ship in dynamic ocean of IBC dealing with treatment of government dues in the IBC. Supreme Court held that a Resolution Plan which ignores the statutory demands payable to any State Government or a legal authority, altogether, is liable to be rejected. The Hon'ble court was dealing with Section 48 of the Gujarat Value Added Tax Act which was

4. [Company Appeal (AT) (Ins) 155 of 2022, NCLAT]

5. [Civil Appeal 7667 of 2021, Supreme Court]

6. supra

7. [Civil Appeal No. 2853 of 1993, Supreme Court]

8. [WP No. 8560 of 2018, Andhra Pradesh High Court]

9. [Civil Appeal No. 1661 of 2020, Supreme Court]

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held to be not contrary or inconsistent with any provisions of the IBC, dealing with the question whether the provisions of IBC, especially section 53, overrides section 48 of the Gujarat Value Added Tax Act. Section 48 of the GVAT is a non-obstante clause and creates a statutory first charge on the property of the dealer in favour of tax authorities against any amount payable by the dealer on account of tax, interest or penalty for which it is liable to pay to the Government.

Important findings of the Hon'ble Supreme Court are reproduced hereunder:

"51. If the established facts and circumstances require discretion to be exercised in a particular way, discretion has to be exercised in that way. If a Resolution Plan is ex facie not in conformity with law and/or the provisions of IBC and/or the Rules and Regulations framed thereunder, the Resolution would have to be rejected. It is also a well settled principle of interpretation that the expression "may", if circumstances so demand can be construed as "Shall".

52. If the Resolution Plan ignores the statutory demands payable to any State Government or a legal authority, altogether, the Adjudicating Authority is bound to reject the Resolution Plan.

53. In other words, if a company is unable to pay its debts, which should include its statutory dues to the Government and/or other authorities and there is no plan which contemplates dissipation of those debts in a phased manner, uniform proportional reduction, the company would necessarily have to be liquidated and its assets sold and distributed in the manner stipulated in Section 53 of the IBC.

54. In our considered view, the Committee of Creditors, which might include financial institutions and other financial creditors, cannot secure their own dues at the cost of statutory dues owed to any Government/ or

Governmental Authority or for that matter, any other dues.

57. As observed above, the State is a secured creditor under the GVAT Act. Section 3(30) of the IBC defines secured creditor to mean a creditor in favour of whom security interest is credited. such security interest could be created by operation of law. The definition of secured creditor in the IBC does not exclude any Government or Governmental Authority."

The Hon'ble court held that if the resolution plan excludes statutory dues payable to government or a government authority, it cannot be said to be in conformity to the provisions of IBC and, as such, not binding on the government. Further, section 48 of the GVAT is not inconsistent with the IBC and, hence, it was held that the IBC does not override the GVAT. The Hon'ble Court went on to rule that by virtue of the 'security interest' created in favour of the State under GVAT, the State is a 'secured creditor' according to the definition in the IBC.

However, the judgement of Rainbow Papers cannot be read to mean that any tax due, if its statute provides for first charge over the property of the assessee, will be treated as a secured debt. One has to examine the facts of this judgement keeping in mind the provisions contained under IBC and the relevant tax law. In support of this preposition, we should keep in mind the following:

- By virtue of Section 238 of the IBC, the provisions under the tax laws even if provide for a first charge, will not operate over and above the IBC, if their operation result in inconsistency with the provisions of IBC.
- For instance, Section 82 of the CGST Act, 2017 clearly provides that in proceedings under IBC the GST dues will not be a first charge over the assets of the Corporate Debtor: "Notwithstanding anything to the

contrary contained in any law for the time being in force, save as otherwise provided in the Insolvency and Bankruptcy Code, 2016, any amount payable by a taxable person or any other person on account of tax, interest or penalty which he is liable to pay to the Government shall be a first charge on the property of such taxable person or such person."

- Similar to the CGST Act, 2017, the Section 88 of the Finance Act 1994 also provides for the service tax dues to not be a first charge in cases under certain statutes similarly situated to the IBC: *"Notwithstanding anything to the contrary contained in any Central Act or State Act, any amount of tax, penalty, interest, or any other sum payable by an assessee or any other person under this Chapter, shall, save as otherwise provided in section 529A of the Companies Act, 1956 (1 of 1956) and the Recovery of Debts Due to Banks and the Financial Institutions Act, 1993 (51 of 1993) and the Securitisation and Reconstruction of Financial Assets and the Enforcement of Security Interest Act, 2002 (54 of 2002), be the first charge on the property of the assessee or the person as the case may be."*
- The Master Circular on Recovery and Write-Off of Arrears of Revenue dated 19.01.2022 of the Ministry of Finance, in respect of recovery of taxes as first charge provides as under: *"5.2...Though the Customs, Central Excise, Service tax and GST enactments have provisions for the liability to be the first charge on property but this charge is subject to the provisions of Section 529 A of the Companies Act, 1956 (Section 326 of Companies Act, 2013), the Recovery of Debts due to Banks and the Financial Institutions Act, 1993 (RDB Act), the Securitisation and Reconstruction of Financial Assets and the Enforcement of Security Interest Act, 2002 (SARFAESI Act) and the Insolvency and Bankruptcy Code, 2016."*

The findings of Hon'ble Supreme Court in Rainbow Papers, cannot be read in isolation, one has to also keep in mind the objectives behind enactment of IBC and the facts in Rainbow Papers. In this relation it is imperative to see what Bankruptcy Law Reforms Committee had to say in relation to the central and state government dues:

"The Committee has recommended to keep the right of the Central and State Government in the distribution waterfall in liquidation at a priority below the unsecured financial creditors in addition to all kinds of secured creditors for promoting the availability of credit and developing a market for unsecured financing (including the development of bond markets). In the long run, this would increase the availability of finance, reduce the cost of capital, promote entrepreneurship and lead to faster economic growth. The government also will be the beneficiary of this process as economic growth will increase revenues. Further, efficiency enhancement and consequent greater value capture through the proposed insolvency regime will bring in additional gains to both the economy and the exchequer."

On January 18, 2023, Ministry of Corporate Affairs (MCA) invited public comments on various amendments/changes being considered to the Insolvency and Bankruptcy Code, 2016. One of the public comments obtained concerns the issue raised pursuant to the judgment of Rainbow Papers. The relevant portion is as under:

"14. Clarity in the treatment of security interests created by statutes

14.1. Section 3 (30) defines a 'secured creditor' as a creditor in favour of whom security interest is created. In State Tax Officer v. Rainbow Papers Limited (Civil Appeal No. 1661 of 2020), the Supreme Court interpreted the definition of 'secured creditor' to hold that any government or governmental authority

shall be a secured creditor as the charge created by a statutory law can be considered as a 'security interest'. The definition of 'security interest' under the Code means that a right, title or interest or a claim to property, created in favour of, or provided for a secured creditor by a transaction, which secures payment of performance of an obligation. It is intended to be restricted to 'transactions', which means that the security interest should be created pursuant to an agreement on the part of the asset holder while giving rights to the other party. Further, 'transaction', as defined under section 3 (33), includes an agreement or arrangement in writing to transfer assets, funds, goods, or services from or to the CD. Thus, it is clear that the concept of security interest was intended to cover a consensual transaction between parties (and not any similar interest created through mere operation of a statute).

14.2. Thus, it is being considered that all debts owed to Central Government and the State Government, irrespective of whether they are secured creditors pursuant to a security interest created by a mere operation of statute, shall be treated equally with other unsecured creditors (see para 13.1). Further, it will be clarified that only where the security interest is created pursuant to a transaction of the Central Government or a State Government with CD, the Government in question will continue to be treated as a secured creditor in the order of priority"

Therefore, there is a possibility that the lawmakers may bring in necessary amendments to clarify the position in law that has come in existence pursuant to the judgment in Rainbow Papers.

Other important issues under Income Tax:

Writeback of loans/creditors: The tax authority has raised the issue that waiver of the loan shall be taxable either under section 41(1) or 28(iv) of the IT Act. In the matter of Mahindra & Mahindra Ltd.¹⁰, the Hon'ble Supreme Court held that section 28(iv) is not applicable as the amount waived is receipt in nature of cash/money and similarly section 41(1) is also not applicable as waiver of loan does not amount to cessation of trading liability and the assessee has not claimed deduction in the earlier years. In the matter of JSW Steel Limited¹¹, ITAT Mumbai held that a receipt which could never enter the stream of taxation either under the normal provisions of the Act or under 115JB, then the said receipt neither constitutes profit nor revenue nor income nor any kind of gain which needs to be included in the net profit.

Impact of Change of Shareholding on Carryforward Losses:

As per Section 79 of the IT Act, the benefit to carry forward unabsorbed business loss is lost in a scenario if the shareholding of a closely held company changes by more than 49% in a previous year as compared to the year in which the loss was incurred. The IT Act allows companies under IBC to carry forward losses where the change in shareholding is pursuant to an approved resolution plan. But a reasonable opportunity of being heard is to be given to the jurisdictional PCIT. Section 30(2) of the IBC requires a plan presented for approval before the NCLT to be in compliance with provisions of all applicable laws. Moreover, Section 79 of IT Act is not inconsistent with IBC therefore will be applicable parallelly to the provisions of IBC. Therefore, a compliance under Section 79 of IT Act of giving notice of hearing is required in approval of resolution plan by NCLT.

10. [(2018) 404 ITR 1]

11. [(2017) 82 taxmann.com 210]

Transfer/Acquisition of shares of Corporate Debtor at Price Lesser than Fair Market Value

Section 56(2)(x) provides for taxation in the hands of the recipient of the property (securities and shares are covered under definition of the property). Section 50CA provides for taxation arising upon transfer of unquoted shares in the hands of Transferor. Difference between the FMV and the actual consideration is charged to tax in the hand recipient of the property under Section 56(2)(x). As per Section 50CA, if the shares are transferred at consideration less than FMV, FMV is deemed to be the Full Value of Consideration. These provisions of Section 50CA and Section 56(2)(x) are still applicable on IBC transactions. However, CBDT has powers to relax the same but no notification till date.

Exemption from MAT Provisions

Section 115JB allows deduction of lower of (a) unabsorbed depreciation and (b) loss brought forward while calculating Book Profit for the purposes of MAT. However, it provides for aggregate deduction of unabsorbed depreciation and loss brought forward from Book Profit, in case of a company under CIRP. Instead of lower of Business Loss/ UAD under IBC aggregate amount is allowed to be set-off against book profit.

Loss Return

Section 80 provides that if a taxpayer fails to file ROI within the specified due date, the losses of the relevant previous year shall lapse and not be allowed to be carried forward. As per amendment made to section 140 by Finance Act 2018 for companies under IBC, RP would have the right to sign the return. Difficulties may arise for companies undergoing CIRP for filing of ROI within the statutory due dates.

Exception to certain void transfers under Section 281 of the IT Act

Section 281 of IT Act enables Income Tax Department to recover outstanding tax dues pending on date of transfer or arising from proceedings pending on date of transfer by treating transfer of assets (including securities) as void. Therefore, an ambiguity to a certain extent prevails with regards to the applicability of Section 281 on IBC matters. However in light of various judicial pronouncements and effect of Section 238 of IBC, IBC should override Section 281 of the Act and therefore it is imperative that specific exemptions are brought in regarding non-applicability of Section 281 on resolutions under IBC with a view to provide more certainty on the tax position of the corporate debtor to the resolutions applicants/bidder.

Applicability of GAAR provisions on transactions under CIRP

Resolution plan approved as part of CIRP is a process driven under a statute, with the commercial rationale of revival of the entity under insolvency. Therefore, GAAR provisions should not be applicable to a restructuring undertaking through an NCLT approved resolution plan, as primary objective of the same is to revive the corporate debtor, and not to obtain any tax benefits.

The Tax Department vide a Circular issued in 2017 had provided that where the court has explicitly and adequately considered the tax implication while sanctioning an arrangement, GAAR will not apply to such arrangements. However, in practice the NCLT generally does not analyse or considers tax implications while approving a resolution plan and therefore the 2017 circular may not provide the acquirer any protection against GAAR.

Therefore, with a view to safeguard the acquirers from any unanticipated

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tax implications, it is imperative that the lawmakers consider to bring about a specific exemption from GAAR provisions with respect to acquisition as per the resolution plan.

All of the above cited issues in the Act could lead to tax implications either on the transferor or transferee, or both, making the resolution plan expensive and unviable. To make arrangements under CIRP more attractive, financially viable and seamless, necessary changes should be made under direct and indirect tax law and stamp duty laws to provide both the corporate debtor and the acquirer protection against any unforeseen and therefore unaccounted tax implication and cost overruns. Moreover, the NCLTs while examining a resolution plan for approval should consider compliance with GAAR provisions as a mandatory compliance under Section 30(2) of the IBC.

Conclusion

The objective of IBC of gaining effective resolution should be given highest importance, tax authorities should aim on faster and effective business revival which will enhance government revenue with increased turnover, past tax dues should not become a hurdle for future gold mine, Rainbow judgement has given higher responsibility to tax authorities to examine resolution plan balancing on future tax benefits, this judgment has increased burden of responsibility on the shoulder of tax authorities. IBC is an efficient mechanism focusing more on treating and bringing healthy business entity which has benefits for all stakeholders and economy at large. The Hon'ble Courts have time and again stressed on this very objective of IBC while dealing on complex issues. As regards the relief under tax laws while resolution of company under IBC, since the IBC gives liberty to a resolution applicant

to incorporate every possible measure for effective resolution, in common practices it is seen that the resolution applicants seek various reliefs under the tax laws (i.e. further 8 years period for carry forward of losses/ accumulated depreciation, benefits from tax liability under MAT and in writeback of loans, etc.), however due to lack of a clear position in this regard there have been contrary stands been taken by various NCLTs in granting such reliefs.

Few issues as regards assessment of company under CIRP/liquidation under Income Tax Act which require further clarity are - (1) Liability in case of assessment of tax liability for the period prior to insolvency commencement date is done post approval of resolution plan, for which a claim couldn't be submitted by the department during the pendency of process and (2) Liability in case of assessment of tax liability for the period during which CIRP/ liquidation was ongoing for which a claim couldn't be submitted by the department during the pendency of process.

Further, as regards tax due to be a first charge over assets of the company under CIRP/ Liquidation under IBC, the charge should have come into place as on the insolvency commencement date by operation of law, i.e. by way of recovery proceedings already been initiated against the company. In case the government department(s) have not initiated any process for recovery against the corporate debtor or have not made any such act that triggers the event of them securing a charge over the assets of the Corporate Debtor by operation of law, their debts will not be considered as a first charge and will not have a primacy as a secured debt. This situation will get further clarified with the amendments coming in pursuant to the public comments obtained in January 2023.

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The Applicability of A High Court's Decision Outside Its Jurisdiction



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Whenever a central enactment has been read down by a high court, questions arise about such a decision's bindingness over other high courts and its impact on the enforcement of the said central enactment in states outside that court's jurisdiction.

The relevant constitutional provisions are Article 226(1) and Article 226(2) of the Constitution of India, 1950 ("Constitution"). Article 226(1) confers the power on the high courts to issue writs for enforcing fundamental rights, or for any other purposes. Such a power can be exercised by the High Court 'throughout the territories in relation to which it exercises jurisdiction'. Article 226(1) further provides that the writs can be issued to 'any person or authority, including in appropriate cases, any Government, within those territories'. Article 226(2) states that the power conferred by Article 226(1) may be exercised by any high court under whose territorial jurisdiction the whole or part of the cause of action arises.

Article 13 (2) also plays a great role in the process of judicial review by stating that: "The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention, be void."

The moot questions for consideration are:

- A. Whether the decision of a High Court on the constitutionality of a Central Legislation is applicable only to the relevant state or throughout the country.
- B. Whether the decision of a High Court on the constitutionality of a Central Legislation is binding on the other High Courts.
- C. What will be the precedent value in the following cases:
 - (1). When a central enactment is struck down by a High Court,
 - (2). When an ambiguity in a central enactment is settled by a High Court,
 - (3). When the Ratio Decidendi of a High Court's judgment is of a nature capable of guiding the manner in which the rights and liabilities under a central enactment would be determined in general parlance.

Hence, this research note puts forth a synopsis of various judicial decisions on the captioned issues.

THE PRECEDENTIAL POWER OF A HIGH COURT JUDGMENT:

In *East India Commercial Co. Ltd. v. Collector of Customs* 1962 taxmann.com 5 (SC), the Supreme Court expressed its view on the bindingness of a High Court judgment in the following manner: "We, therefore, hold that the law declared by the highest court in the State is binding on authorities or Tribunals under its superintendence, and they cannot ignore it."

The Supreme Court in *Valliamma Champaka Pillai v. Sivathanu Pillai* [1980] 1 SCR 354, dealing with the controversy whether a decision of the erstwhile Travancore High Court can be made a binding precedent on

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the Madras High Court on the basis of the principle of stare decisis, clearly held that such a decision can at best have a persuasive effect and not the force of binding precedent on the Madras High Court. Referring to the States Reorganisation Act, 1956, it was observed that there was nothing in the said Act or any other law which exalts the ratio of those decisions to the status of a binding law nor could the ratio decidendi of those decisions be perpetuated by invoking the doctrine of stare decisis. The doctrine of stare decisis cannot be stretched that far as to make the decision of one High Court a binding precedent for the other. This doctrine is applicable only to different Benches of the same High Court.

In *CIT v. Thana Electricity Supply Ltd.* [1993] SCC Online Bom 591], the Bombay High Court while considering an income tax issue of development rebate in the supply of electrical energy, despite there being a Calcutta High Court judgment on identical facts, considered it to have only a persuasive effect, and felt it a duty to freshly decide the matter.

In the case of *Ambica Industries v. CCE* [2007] 9 STT 1 (SC), the Appellant carried on business at Lucknow and was assessed at the same place. A central excise matter of the Appellant ultimately came up before Central Excise and Service Tax Appellate Tribunal (CESTAT), New Delhi as the said Tribunal exercised its jurisdiction in respect of cases arising within the territorial limits of the State of Uttar Pradesh, National Capital Territory of Delhi and the State of Maharashtra. Having regard to the situs of the Tribunal, an appeal in terms of Section 35G of the Central Excise Act, 1944 was filed before the Delhi High Court. A Division Bench of the Delhi High Court relying on or on the basis of an earlier Division Bench judgment in *Bombay Snuff Pvt. Ltd. v. Union of India* 2006 (194) ELT 264 (Delhi) opined that it had no territorial jurisdiction in the matter. In the appeal before the Supreme Court, it was held that a High Court exercises its power to issue the writ of certiorari and its power of superintendence only over subordinate courts located, within the territorial jurisdiction of that High Court or if any cause of action has arisen within such territorial jurisdiction.

In the case of *Durgesh Sharma v. Jayshree*, [2008] 9 SCC 648, it was a case of marital dispute and an interesting question of law was raised before the Court. It was about the power, authority and jurisdiction of a high court to transfer suits/appeals/other proceedings from one court subordinate to it to another court subordinate to another High Court. It was observed that the writs issued by a High Court cannot run beyond the territory subject to its jurisdiction and the person or authority to whom the High Court is empowered to issue such writs must be within those territories.

The issue of bindingness was once discussed at length by the Bombay High Court in *Thana Electricity Supply Ltd.*, (*supra*):

"21. From the foregoing discussion, the following propositions emerge: (a) The law declared by the Supreme Court being binding on all courts in India, the decisions of the Supreme Court are binding on all courts, except, however, the Supreme Court itself which is free to review the same and depart from its earlier opinion if the situation so warrants. What is binding is, of course, the ratio of the decision and not every expression found therein.

(b) The decisions of the High Court are binding on the subordinate courts and authorities or Tribunals under its superintendence throughout the territories in relation to which it exercises jurisdiction. It does not extend beyond its territorial jurisdiction.

(c) The position in regard to the binding nature of the decisions of a High Court on different Benches of the same court may be summed up as follows:

(i) A single judge of a High Court is bound by the decision of another single judge or a Division Bench of the same High Court. It would be judicial impropriety to ignore that decision. Judicial comity demands that a binding decision to which his attention had been drawn should neither be ignored nor overlooked. If he does not find himself in agreement with the same, the proper procedure is to refer to the binding decision and direct the papers to be placed before the Chief

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Justice to enable him to constitute a larger Bench to examine the question (see *Food Corporation of India v. Yadav Engineer and Contractor*).

- (ii) A Division Bench of a High Court should follow the decision of another Division Bench of equal strength or a Full Bench of the same High Court. If one Division Bench differs from another Division Bench of the same High Court, it should refer the case to a larger Bench.
- (iii) Where there are conflicting decisions of courts of co-ordinate jurisdiction, the later decision is to be preferred which was reached after a full consideration of the earlier decisions.

(d) The decision of one High Court is neither a binding precedent for another High Court nor for courts or tribunals outside its own territorial jurisdiction. It is well settled that the decision of a High Court will have the force of a binding precedent only in the state or territories on which the court has jurisdiction. In other states or outside the territorial jurisdiction of that High Court it may, at best, have only persuasive effect. By no amount of stretching of the doctrine of stare decisis, can judgments of one High Court be given the status of a binding precedent so far as other High Courts or tribunals within their territorial jurisdiction are concerned. Any such attempt will go counter to the very doctrine of stare decisis and also the various decisions of the Supreme Court which have interpreted the scope and ambit thereof. The fact that there is only one decision of any one High Court on a particular point or that a number of different High Courts have taken identical views in that regard is not at all relevant for that purpose.

Whatever may be the conclusion, the decisions cannot have the force of binding precedent on other High Courts or on any subordinate courts or tribunals within their jurisdiction. That status is reserved only for the decisions of the Supreme Court which are binding on all courts in the country by virtue of article 141 of the Constitution."

AN INTERESTING ISSUE OF DIFFERENCES BETWEEN THE JUDICIAL MINDS:

In *Mahadeolal Kanodia v. Administrator General of West Bengal*, [1960] 3 SCR 578, the court discussed the quality of certainty in the decisions of the same High Court:

"Judicial decorum no less than legal propriety forms the basis of judicial procedure. If one thing is more necessary in law than any other thing, it is the quality of certainty. That quality would totally disappear if judges of coordinate jurisdiction in a High Court start overruling one another's decisions. If one Division Bench of a High Court is unable to distinguish a previous decision of another Division Bench, and holding the view that the earlier decision is wrong, itself gives effect to that view, the result would be utter confusion. The position would be equally bad where a judge sitting singly in the High Court is of opinion that the previous decision of another single judge on a question of law is wrong and gives effect to that view instead of referring the matter to a larger Bench."

WHICH PART OF A JUDGMENT ACTUALLY HOLDS THE VALUE OF A PRECEDENT:

Now, having looked at the precedential effect of a High Court judgment, we will now attempt to understand which part of a judgment actually holds the value of a precedent.

In *S. P. Gupta v. President of India*, AIR 1982 SC 149, the Supreme Court was of the view that "It is elementary that what is binding on the court in a subsequent case is not the conclusion arrived at in a previous decision, but the ratio of that decision, for it is the ratio which binds as a precedent and not the conclusion."

In *Amar Nath Om Parkash v. State of Punjab* AIR 1985 SC 218, certain provisions of Punjab Agricultural Products Markets Act were challenged on the ground of excess fee being collected from the dealers by the market committee. The Supreme Court was of the view that "A case is only an authority for what it

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actually decides and not what may come to follow logically from it. Judgments of courts are not to be construed as statutes."

In *Madhav Rao Jivaji Rao Scindia Bahadur v. Union of India*, [1971] (3) SCR 9, the Supreme Court was of the view that *"It is not proper to regard a word, a clause or a sentence occurring in a judgment of the Supreme Court, divorced from its context, as containing a full exposition of the law on a question when the question did not even fall to be answered in that judgment."*

With this, it is clear that it is only the "ratio decidendi" of a case that can be binding and not the "obiter dictum". An obiter dictum at best may have some persuasive efficacy.

At this juncture, it also becomes important to look into certain observations of the Supreme Court of India on the precedential value of an obiter dictum contained in a judgment of the Supreme Court. In *Oriental Insurance Company v. Meena Variyal* [Appeal (civil) No. 5825 of 2006], it was held that *"An obiter dictum of this Court may be binding only on the High Courts in the absence of a direct pronouncement on that question elsewhere by this Court. But as far as this Court is concerned, though not binding, it does have clear persuasive authority."*

Also, in *Municipal Committee, Amritsar v. Hazara Singh* AIR 1975 SC 1087, it was held that: *"However, although obiter dictum of Supreme Court should be accepted as binding by High Courts, it does not mean that every statement contained in a judgment of the Supreme Court would be attracted by Article 141."* It was further held that *"Statements on matters other than law have no binding force."*

***Kusum Ingots And Alloys Ltd. v. Union of India* AIR 2004 SC 2321:**

The observations of the Supreme Court in *Kusum Ingots* squarely covers the issue of the bindingness of a High Court judgment on the constitutionality of a Central enactment.

The facts of the case being as follow - the appellant being a company was registered in Mumbai, had the principal place of business in Indore and had raised a loan from the Bhopal branch of SBI. When a SARFAESI action was being initiated against the Appellant, it challenged the constitutional validity of the Act at the Delhi High Court attracting jurisdiction only on the ground of the seat of parliament is at New Delhi. The Delhi High Court dismissed the petition on the ground of lack of jurisdiction. The only issue for consideration before the Hon'ble Supreme Court was *"Whether the seat of the Parliament or the Legislature of a State would be a relevant factor for determining the territorial jurisdiction of a High Court to entertain a writ petition under Article 226 of the Constitution of India?"*

The most relevant paragraphs of the said judgment are as follows:

"18. The facts pleaded in the writ petition must have a nexus on the basis whereof a prayer can be granted. Those facts which have nothing to do with the prayer made therein cannot be said to give rise to a cause of action which would confer jurisdiction on the court.

19. Passing of a legislation by itself in our opinion do not confer any such right to file a writ petition unless a cause of action arises therefor.

20. A distinction between a legislation and executive action should be borne in mind while determining the said question.

21. A parliamentary legislation when receives the assent of the President of India and published in an Official Gazette, unless specifically excluded, will apply to the entire territory of India. If passing of a legislation gives rise to a cause of action, a writ petition questioning the constitutionality thereof can be filed in any High Court of the country. It is not so done because a cause of action will arise only when the provisions of the Act or some of them which were implemented shall give rise to civil or evil consequences to the petitioner. A writ court, it is well settled would not determine a constitutional question in vacuum.

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22. *The court must have the requisite territorial jurisdiction. An order passed on writ petition questioning the constitutionality of a Parliamentary Act whether interim or final keeping in view the provisions contained in clause (2) of Article 226 of the Constitution of India, will have effect throughout the territory of India subject of course to the applicability of the Act.*

23. *Situs of office of the Respondents - whether relevant? A writ petition, however, questioning the constitutionality of a Parliamentary Act shall not be maintainable in the High Court of Delhi only because the seat of the Union of India is in Delhi."*

CERTAIN INSTANCES OF HIGH COURTS DEALING WITH CONSTITUTIONAL VALIDITY OF CENTRAL ENACTMENTS:

The Kerala High Court read down Section 10A (1) of Indian Divorce Act, 1869 in *Saumya Ann Thomas v. Union of India* 2010 (1) KLJ 449.

The said provision prescribed a minimum of 'two years' of separate residence by the spouses for granting divorce by mutual consent. The Kerala High Court read down this 'two-year' period to mean 'one year' so that the provision is not violative of Article 14 and 21 of the Constitution (since identical provisions in Hindu Marriage Act, 1955 and Parsi Marriage and Divorce Act, 1936 prescribed only a one year period). The Karnataka High Court was adjudicating a Public Interest Litigation filed seeking the two year period in Section 10A(1) of Indian Divorce Act, 1869 to be read down to one year, in the case of *Shiv Kumar v. Union of India* (AIR 2014 Kant 73). The Karnataka High Court relied on *Kusum Ingots* to hold that the applicability of the *Saumya Ann* judgment would extend throughout India. It was thus concluded that the provision under challenge had already been struck down with respect to the State of Karnataka also, and no further orders were required in this regard.

The Andhra Pradesh High Court struck down Section 17A of the Industrial Disputes Act, 1947, as unconstitutional in the case of *Telugunadu Workcharged Employees State Federation v. Government of India* 1997 (3) ALT 492. It was held that the impugned provision by which the executive could reject or modify an award passed by a Labour Court or National Tribunal, violated the democratic pattern envisaged in the constitutional scheme. Constitutionality of Section 17A of the Industrial Disputes Act, 1947 was also challenged before a Single Judge of the Madras High Court in the case of *Textile Technical Tradesmen Association v. Union of India* [2011] I LLJ 297 Mad). The fact that Andhra Pradesh High Court had struck down the impugned provision in the *Telugunadu Workcharged* case was pointed out to the Court. It was however contended by the Puducherry Government that the judgment of the Andhra Pradesh High Court is not binding and would not have extraterritorial application. The Single Bench, on analysing the legal precedents involved held Section 17A as unconstitutional on merits. Curiously enough, the Court then went on to hold that on the application of the law laid down by *Kusum Ingots*, the impugned provision was no more in force since it was struck down by Andhra Pradesh High Court in the *Telugunadu Workcharged* case, a judgment which has effect throughout the territory of India. When the Single Bench decision was appealed by the Union of India, the Division Bench of Madras High Court in *Union of India v. Textile Technical Tradesmen Association* [2014] 4 LLJ 683, dismissed the appeal. It was again contended, this time by the Union of India, that *Telugunadu Workcharged* judgment has no applicability in the Union Territory of Puducherry. However, the Division Bench reiterated the view propounded by the Single Bench and reference was also made to the *Shiv Kumar* case of Karnataka High Court to hold that the pronouncement on the constitutionality of a provision of a Central Act by a High Court would be applicable throughout India.

The Delhi High Court had struck down Section 2(p) of Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, and consequently, Rule 3(3)(1)(b) of Pre-natal Diagnostic Techniques Rules in the case of *Indian Radiological and Imaging Association v. Union of India* (AIR 2016 Del 78). The judgment was challenged in the Supreme Court by way of Special Leave Petition, but no stay of the judgment was granted. Thereafter the question of the constitutional validity of Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) (Six Months Training) Rules 2014, came up before the Madras

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High Court. In these proceedings, *Dr T. Rajakumari v. Government of Tamil Nadu* (AIR 2016 Mad 177), the Court observed that the Delhi High Court had already struck down the provisions and no stay was granted against the judgment by the Supreme Court. It was therefore held that "it is trite to say that once a High Court has struck down the provisions of a Central Act, it cannot be said that it would be selectively applied in other States". It was further held that the provisions held unconstitutional were applicable in the country unless Supreme Court stayed or overruled the Delhi High Court judgment.

The Calcutta High Court was dealing with a challenge to a notification issued by the Ministry of Environment, Forest and Climate Change, Government of India, in the case of *Partha Protim Datta v. Union of India* 2016 SCC Online Cal 8511. Relying on *Kusum Ingots*, it was held that since the notification has already been deferred due to orders passed by the Karnataka High Court and the Gujarat High Court, no further interim order was required in the writ petition.

The Calcutta High Court in *Durgapur Steel Town Cable TV Operators' Association v. Union of India* 2016 SCC Online Cal 3025, referring to *Kusum Ingots* held that 'It is trite that if the vires of a Central Act or any provision of a Central Act is challenged and such challenge succeeds, the Act in question or any provision thereof which was questioned and interdicted may not have applicability in the rest of the country.' However, the Calcutta High Court also laid a note of caution against other High Courts blindly applying the Para 22 observation of *Kusum Ingots*. It was observed in this case that a *status quo* order granted by the Sikkim High Court taking into account the special circumstances portrayed in the writ petition ought not to have been relied upon by other High Courts to hold that *status quo* against the Central Government notification was automatically granted for the rest of the country. The Calcutta High Court accordingly dismissed the writ petition and refused the grant of *status quo* prayed for.

In *All India Jamiatul Quresh Action v. Union of India* [Supreme Court-Writ Petition (C) No. 422 of 2017], the challenge was to the constitutional validity of the Prevention of Cruelty to Animal (Regulation of Live Stocks, Markets) Rules, 2017, and the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017. The Court held that "the above rules, we are informed, were challenged before the Madurai Bench of the Madras High Court, which has stayed the operation of the said Rules... We understand the position to be that the interim order shall apply across the whole country".

In *Naz Foundation v. Government of NCT* [2009] 160 DLT 277, while dealing with the constitutional validity of Section 377 of IPC, it was held that: "We declare that Section 377 IPC, insofar it criminalizes consensual sexual acts of adults in private, is violative of Articles 21, 14 and 15 of the Constitution."

In view of the above, in the narrow area of impugned constitutionality of a central legislation, a HC's decision would have a binding effect on other HCs. Also, here comes an issue as to equal enforcement/applicability of a central law in all the states of the country, as when a central enactment has been struck down in a state that would result in discriminatory treatment among the people within the state and outside that state. This issue can be resolved either by multiple decisions by the High Courts of each state or a decision by the Supreme Court, or a clarification/amendment by the Parliament in the law that has been struck down. Thus, the present position of law, as expressly upheld by various judgments and also impliedly accepted by the Supreme Court in *Kusum Ingots*, is that interim or final orders passed by a High Court on the constitutional validity of a Central Legislation is applicable throughout the country and hence binds other High Courts from taking a contrary view on the issue.

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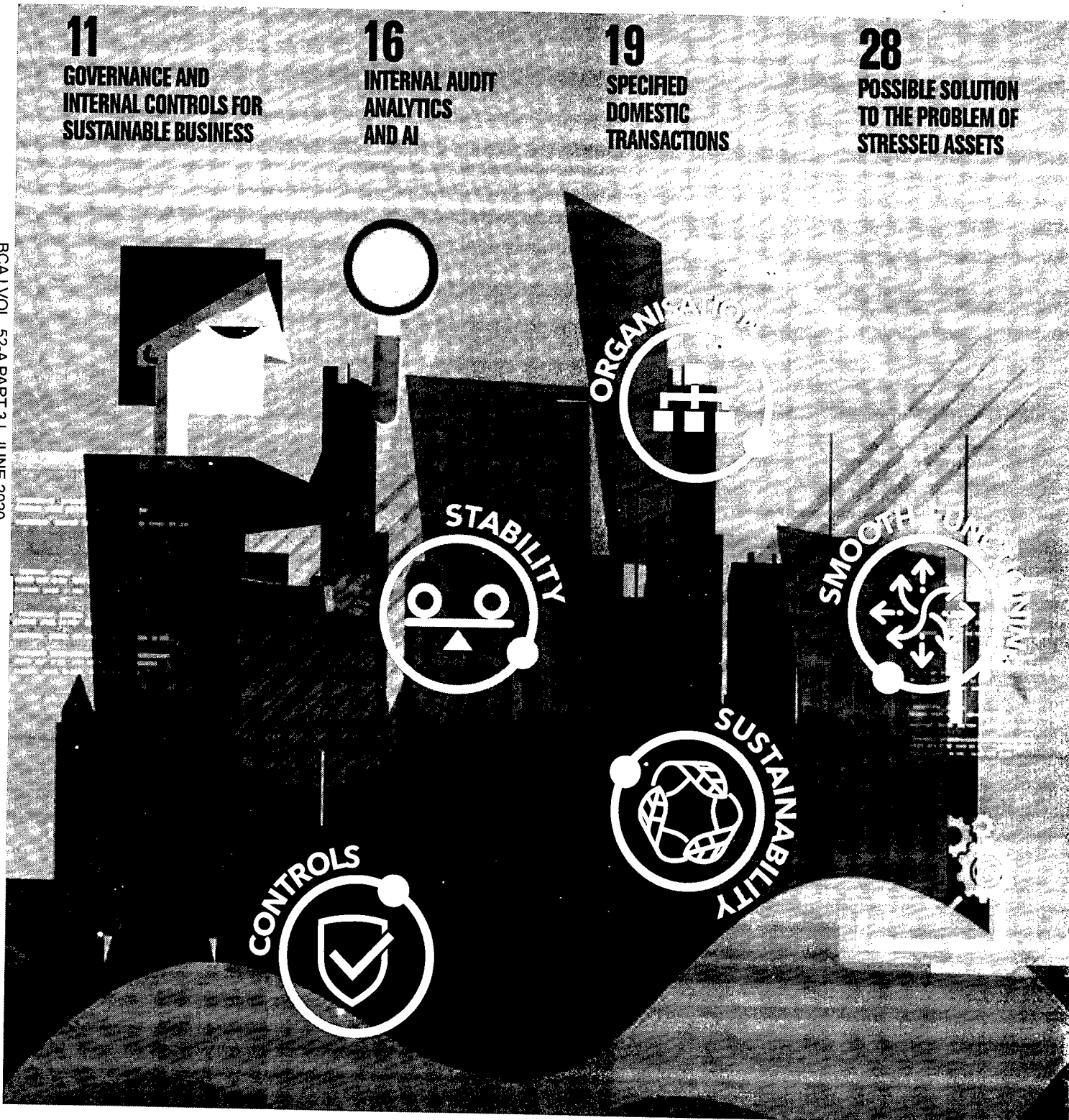
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SPECIFIED DOMESTIC TRANSACTIONS: RETROSPECTIVE OPERABILITY OF OMISSION OF CLAUSE (i) TO SECTION 92BA(1)

V. N. DUBEY | ROHIT DUBEY

Advocates

Section 92BA of the Income-tax Act, 1961 defines 'Specified Domestic Transaction' by providing an exhaustive list of transactions; this section was introduced through the Finance Act, 2012 w.e.f. 1st April, 2013. The transaction for expenditure payable / paid to certain persons [mentioned u/s 40A(2)(b)], being one of the specified domestic transactions, was omitted from the statute book through the Finance Act, 2017 w.e.f. 1st April, 2017.

The enumeration of a domestic transaction in section 92BA is a necessary requirement for the reference of the same to the Transfer Pricing Officer u/s 92CA. Accordingly, the omission of clause (i) to section 92BA(1) had the effect of restraining reference to the Transfer Pricing Officer in case of transactions for expenditure payable / paid to certain persons [mentioned u/s 40A(2)(b)] on and after the date of enforcement of the omission (1st April, 2017).

The above said omission and its effect was clear enough to rule out the scope for any ambiguities, but incidentally, there exist contradictory findings/judicial pronouncements by certain Tribunals as well as the High Courts in relation to (A) applicability of the above said omission since 1st April, 2013, i.e. the date of introduction of section 92(BA); (B) on holding that the clause (i) to be believed to have never existed on the statute book; and (C) holding the reference to the Transfer Pricing Officer in respect of clause (i) transactions as void ab initio. Hence, this article puts forth a synopsis of various judicial decisions on the captioned issue.

MOOT QUESTION FOR CONSIDERATION

The moot question for consideration is whether the provisions appearing in clause (i) to section 92BA [i.e., the clause that included expenditures relating to clause (b) of section 40A(2), under Specified Domestic Transactions], which was omitted vide Finance Act, 2017 with effect from 1st April, 2017, will be considered as omitted since the date on which section 92BA was brought into force (i.e., 1st April, 2013 itself), which

makes clause 92BA(1)(i) inapplicable even in respect of the period of assessment prior to 1st April, 2017?

And accordingly, whether it is a correct and settled position of law to state that when a provision is omitted, its impact would be to believe that the particular provision did not ever exist on the statute book and that the said provision would also not be applicable in the circumstances which occurred when the provision was in force even for the prior period?

WHAT IS CENTRAL TO THE ISSUE

Section 92BA, as it stood prior to the omission of clause (i), and section 92CA are central to the issue at stake and hence are reproduced hereunder:

Section 92BA(1) – For the purposes of this section and sections 92, 92C, 92D and 92E, 'specified domestic transaction' in case of an assessee means any of the following transactions, not being an international transaction, namely,

(i) any expenditure in respect of which payment has been made or is to be made to a person referred to in clause (b) of sub-section (2) of section 40A;

(ii) any transaction referred to in section 80A;

(iii) any transfer of goods or services referred to in sub-section (8) of section 80-IA;

(iv) any business transacted between the assessee and other person as referred to in sub-section (10) of section 80-IA;

(v) any transaction referred to in any other section under Chapter VI-A or section 10AA, to which provisions of sub-section (8) or sub-section (10) of section 80-IA are applicable; or

(vi) any other transaction as may be prescribed and where the aggregate of such transactions entered into by the assessee in the previous year exceeds a sum of [five] crore rupees.

Section 92CA(1) – Where any person, being the assessee, has entered into an international transaction or specified domestic transaction in any previous year,

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and the Assessing Officer considers it necessary or expedient so to do, he may, with the previous approval of the Principal Commissioner or Commissioner, refer the computation of the arm's length price in relation to the said international transaction or specified domestic transaction under section 92C to the Transfer Pricing Officer.

PROSPECTIVE, NOT RETROSPECTIVE

It is pertinent to note here that the deletion by the Finance Act, 2017 was prospective in nature and not retrospective, either expressly or by necessary implication of the Parliament. At this juncture, the findings of *ITAT Bangalore (further upheld by the High Court of Karnataka in ITA 392/2018) in Texport Overseas Pvt. Ltd. vs. DCIT [IT(TP)A No. 2213/Bang/2018]* are of relevance:

The ITAT held that 'clause (i) of section 92BA deemed to be omitted from its inception and that clause (i) was never part of the Act. This is due to the reason that while omitting the clause (i) of section 92BA, nothing was specified whether the proceeding initiated or action taken on this continue. Therefore, the proceeding initiated or action taken under that clause would not survive at all in the absence of any specific provisions for continuance of any proceedings under the said provision. As a result if any proceedings have been initiated, it would be considered or held as invalid and bad in law.'

WIDE ACCEPTANCE

This finding of the ITAT Bangalore received wide acceptance all over the country and had been followed by various Tribunals (such as ITAT Indore, Ahmedabad, Cuttack and Bangalore).

The Tribunal based its finding completely on the following judicial pronouncements pertaining to section 6 of the General Clauses Act, 1897:

- i. Kolhapur Canesugar Works Ltd. vs. Union of India in Appeal (Civil) 2132 of 1994 vide judgment dated 1st February, 2000 (SC);*
- ii. General Finance Co. vs. Assistant Commissioner of Income-tax 257 ITR 338 (SC);*
- iii. CIT vs. GE Thermometrics India Pvt. Ltd. in ITA No. 876/2008 (Kar.).*

Before looking into the findings of the Hon'ble Supreme Court in this regard, which were relied upon by the ITAT Bangalore, sections 6, 6A and 24 of the General Clauses Act, 1897 should be considered. These sections are reproduced hereunder:

Section 6: 'Where this Act, or any Central Act or Regulation made after the commencement of this Act, repeals any enactment hitherto made or hereafter to be made, then, unless a different intention appears, the repeal shall not –

- (a) revive anything not in force or existing at the time at which the repeal takes effect; or
- (b) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the repealing Act or Regulation had not been passed.'

Section 6A: 'Where any Central Act or Regulation made after the commencement of this Act repeals any enactment by which the text of any Central Act or Regulation was amended by the express omission, insertion or substitution of any matter, then, unless a different intention appears, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the time of such repeal.'

Section 24: 'Where any Central Act or Regulation is, after the commencement of this Act, repealed and re-enacted with or without modification, then, unless it is otherwise expressly provided, any appointment notification, order, scheme, rule, form or bye-law, made or issued under the repealed Act or Regulation, shall, so far as it is not inconsistent with the provisions re-enacted, continue in force, and be deemed to have been made or issued under the provisions so re-enacted, unless and until it is superseded by any appointment notification, order, scheme, rule, form or bye-law, made or issued under the provisions so re-enacted.'

DEEMED ORDER

The effect of section 24 insofar as it is material is that where the repealed and re-enacted provisions are not inconsistent with each other, any order made under the repealed provisions are not inconsistent with each other, any order made under the repealed provision will be deemed to be an order made under the re-enacted provisions.

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Section 24 of the General Clauses Act deals with the effect of repeal and re-enactment of an Act and the object of the section is to preserve the continuity of the notifications, orders, schemes, rules or bye-laws made or issued under the repealed Act unless they are shown to be inconsistent with the provisions of the re-enacted statute. In the light of the fact that section 24 of the General Clauses Act is specifically applicable to the repealing and re-enacting statute, its exclusion has to be specific and cannot be inferred by twisting the language of the enactments – **State of Punjab vs. Harnek Singh (2002) 3 SCC 481.**

WHERE AN ACT IS REPEALED

Section 6 applies to repealed enactments. Section 6 of the General Clauses Act provides that where an Act is repealed, then, unless a different intention appears, the repeal shall not affect any right or liability acquired or incurred under the repealed enactment or any legal proceeding in respect of such right or liability and the legal proceeding may be continued as if the repealing Act had not been passed.

As laid down by the Apex Court in **M/s Gammon India Ltd. vs. Spl. Chief Secretary & Ors. [Appeal (Civil) 1148 of 2006]** that, ‘...whenever there is a repeal of an enactment the consequences laid down in section 6 of the General Clauses Act will follow unless, as the section itself says, a different intention appears in the repealing statute. In case the repeal is followed by fresh legislation on the same subject, the court has to look to the provisions of the new Act for the purpose of determining whether they indicate a different intention. The question is not whether the new Act expressly keeps alive old rights and liabilities but whether it manifests an intention to destroy them. The application of this principle is not limited to cases where a particular form of words is used to indicate that the earlier law has been repealed. As this Court has said, it is both logical as well as in accordance with the principle upon which the rule as to implied repeal rests, to attribute to that legislature which effects a repeal by necessary implication the same intention as that which would attend the case of an express repeal. Where an intention to effect a repeal is attributed to a legislature then the same would attract the incident of saving found in section 6.’

Section 6A is to the effect that a repeal can be by way of an express omission, insertion or substitution of any matter, and in such kind of repeal unless a different intention appears, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed

and in operation at the time of such repeal.

Now, we examine the observations of the Apex Court in **General Finance Co. vs. ACIT**. Therein, the Apex Court has examined the issue of retrospective operation of omissions and held that the principle underlying section 6 as saving the right to initiate proceedings for liabilities incurred during the currency of the Act will not apply to omission of a provision in an Act but only to repeal, omission being different from repeal as held in different cases. In the case before the Apex Court, a prosecution was commenced against the appellants by the Department for offences arising from non-compliance with section 269SS of the Income-tax Act, 1961 (punishment for non-compliance with provisions of section 269SS was provided u/s 276DD). Section 276DD was omitted from the Act with effect from 1st April, 1989 and the complaint u/s 276DD was filed in the Court of the Chief Judicial Magistrate, Sangrur, on 31st March, 1989. The assessee sought for quashing of the proceedings by filing a petition u/s 482 of the Code of Criminal Procedure and Article 227 of the Constitution. The High Court held that the provisions of the Act under which the appellants had been prosecuted were in force during the accounting year relevant to the assessment year 1986-87 and they stood omitted from the statute book only from 1st April, 1989. The High Court, therefore, took the view that the prosecution was justified and dismissed the writ petition. But the Apex Court did not concur with the view of the High Court and ruled that:

‘...the principle underlying section 6 of the General Clauses Act as saving the right to initiate proceedings for liabilities incurred during the currency of the Act will not apply to omission of a provision in an Act but only to repeal, omission being different from repeal as held in the aforesaid decisions. In the Income-tax Act, section 276DD stood omitted from the Act but not repealed and hence, a prosecution could not have been launched or continued by invoking section 6 of the General Clauses Act after its omission.’

PRINCIPLE OF EQUITY AND JUSTICE

It is inferable from the findings of the Apex Court that by granting retrospective operability to the omission of a penal provision it was merciful and did uphold the principles of equity and justice. But the moot question here is whether the findings of the Apex Court in respect of a penal provision can be extended universally to all kinds of provisions present under any law in force, i.e. substantive, procedural and machinery provisions. A situation that revolves around this moot question was before the

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Karnataka High Court in *CIT vs. GE Thermometrics India Pvt. Ltd.* [ITA No. 876/2008] and further in *DCIT vs. Texport Overseas Pvt. Ltd.* [ITA 392/2018], which followed the *ratio* laid down by the Apex Court in *General Finance Co. vs. ACIT* and applied the findings in an identical manner to the cases involving omission of the provision providing definitions.

The ITAT Bangalore in *Texport Overseas* also relied upon the findings of the Apex Court in *Kolhapur Canesugar Works Ltd. vs. Union of India* [1998 (99) ELT 198 SC], wherein the sole question before the Hon'ble Court was whether the provisions of section 6 of the General Clauses Act can be held to be applicable where a Rule in the Central Excise Rules is replaced by Notification dated 6th August, 1977 issued by the Central Government in exercise of its Rule-making power, (and) Rules 10 and 10A were substituted. The findings of the Apex Court herein were also similar to those in *General Finance Co. vs. ACIT*, as to retrospective operability of the omission.

Section 6A of the General Clauses Act is central to the captioned issue; it removes the ambiguity of whether the repeal and omission both have the same effect as retrospective operability. 'Repeal by implication' has been dealt with in *State of Orissa and Anr. vs. M.A. Tulloch and Co.* [(1964) 4 SCR 461] wherein the Court considered the question as to whether the expression 'repeal' in section 6 r/w/s 6A of the General Clauses Act would be of sufficient amplitude to cover cases of implied repeal. It was stated that:

'The next question is whether the application of that principle could or ought to be limited to cases where a particular form of words is used to indicate that the earlier law has been repealed. The entire theory underlying implied repeals is that there is no need for the later enactment to state in express terms that an earlier enactment has been repealed by using any particular set of words or form of drafting but that if the legislative intent to supersede the earlier law is manifested by the enactment of provisions as to effect such supersession, then there is in law a repeal notwithstanding the absence of the word "repeal" in the later statute.'

REPEAL VS. OMISSION

The captioned issue in reference to the findings of the Apex Court in *Kolhapur Canesugar Works Ltd. vs. Union of India* and *General Finance Co. vs. ACIT* was also discussed in G.P. Singh's 'Principles of Statutory Interpretation' [12th Edition, at pages 697 and 698] wherein



the learned author expressed his criticism of the aforesaid judgments in the following terms:

'Section 6 of the General Clauses Act applies to all types of repeals. The section applies whether the repeal be express or implied, entire or partial, or whether it be repeal simpliciter or repeal accompanied by fresh legislation. The section also applies when a temporary statute is repealed before its expiry, but it has no application when such a statute is not repealed but comes to an end by expiry. The section on its own terms is limited to a repeal brought about by a Central Act or Regulation. A rule made under an Act is not a Central Act or regulation and if a rule be repealed by another rule, section 6 of the General Clauses Act will not be attracted. It has been so held in two Constitution Bench decisions. The passing observation in these cases that "section 6 only applies to repeals and not to omissions" needs reconsideration, for omission of a provision results in abrogation or obliteration of that provision in the same way as it happens in repeal. The stress in these cases was on the question that a "rule" not being a Central Act or Regulation, as defined in the General Clauses Act, omission or repeal of a "rule" by

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another "rule" does not attract section 6 of the Act and proceedings initiated under the omitted rule cannot continue unless the new rule contains a saving clause to that effect...'

In a comparatively recent case before the Apex Court, **M/s Fibre Boards (P) Ltd. vs. CIT Bangalore [(2015) 279 CTR (SC) 89]**, the Hon'ble Court reconsidered its opinion as to retrospective operability of omissions and distinguished the findings in **Kolhapur Canesugar Works Ltd. vs. Union of India, General Finance Co. vs. ACIT** and other similar cases. The Apex Court held that sections 6 and 6A of the General Clauses Act are clearly applicable on 'omissions' in the same manner as applicable on 'repeals'; it also held that:

'...29. A reading of this section would show that a repeal can be by way of an express omission. This being the case, obviously the word "repeal" in both section 6 and section 24 would, therefore, include repeals by express omission. The absence of any reference to section 6A, therefore, again undoes the binding effect of these two judgments on an application of the per incuriam principle. ...31. The two later Constitution Bench judgments also did not have the benefit of the aforesaid exposition of the law. It is clear that even an implied repeal of a statute would fall within the expression "repeal" in section 6 of the General Clauses Act. This is for the reason given by the Constitution Bench in **M.A. Tulloch & Co.** that only the

form of repeal differs but there is no difference in intent or substance. If even an implied repeal is covered by the expression "repeal", it is clear that repeals may take any form and so long as a statute or part of it is obliterated, such obliteration would be covered by the expression "repeal" in section 6 of the General Clauses Act.

...32. In fact, in 'Halsbury's Laws of England' Fourth Edition, it is stated that:

"So far as express repeal is concerned, it is not necessary that any particular form of words should be used. [**R vs. Longmead (1795) 2 Leach 694 at 696**]. All that is required is that an intention to abrogate the enactment or portion in question should be clearly shown. (Thus, whilst the formula "is hereby repealed" is frequently used, it is equally common for it to be provided that an enactment "shall cease to have effect" (or, if not yet in operation, "shall not have effect") or that a particular portion of an enactment "shall be omitted").'

In view of the above-mentioned judicial pronouncements and the provision of law, it can be interpreted that insofar as 'omission' forms part of 'repeal', the omission of clause (i) to section 92BA(1) does not have retrospective operation and the omission will not affect the reference to the Transfer Pricing Officer in respect of transactions u/s 92BA(1)(i) for the accounting years prior to 1st April, 2017. But on account of varied findings in this regard by the Tribunals as well as the High Courts, the matter is yet to be settled. ■

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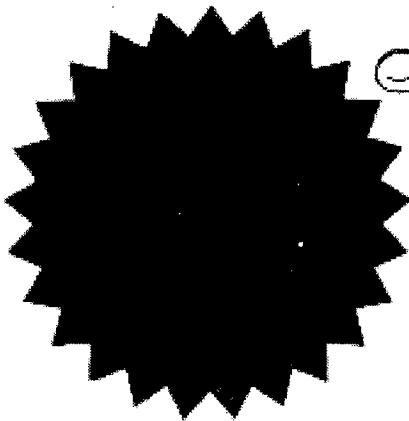
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of the
Federation*

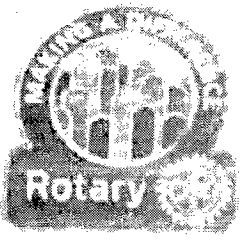


PUNE,
5th June, 2009

Bharat H. Agrawal

BHARAT H AGRAWAL
NATIONAL PRESIDENT

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ROTARY CLUB OF INDORE CORPORATE

Rotary Club of Indore Corporate

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LETTER OF APPRECIATION

We appreciate Advocate Vashista Narayan Dubey, for having been associated with Rotary Corporate Club INDORE providing pro bono legal services to most needy and disadvantaged groups. Since the time he has been associated with the club, he has provided services free of cost for the betterment of public, including legal consultancy, advisory, RTI preparation, complaints, providing legal awareness amongst lower income, rural persons, due diligence of property documents, advising upon its title, drafting of pleadings, appearance before courts, tribunals/departments, etc.

We enormously appreciate and are thankful to Mr. Dubey for his services to the underprivileged sections of the society.

Rtn. Nirmaal Dubey

President

Rtn. Anil Mishra

Secretary

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LION CLUBS INTERNATIONAL DISTRICT 3233 G-1
District 3233 G-1 | 2019-20

Lion Ajay Singh Sengar
District Governor



10, Gyans Park, Telephone Nagar, Indore - 462014
Phone : 91090-47139, 97520-72961
Mobile : 94250-59009, 94071-17717
E-mail : monajaysengar@gmail.com

Letter of Appreciation

We appreciate Advocate Vashishtha Narayan Dubey for been associated with us providing pro bono legal services to poor, needy and lower income groups. Since the time he has been associated with us, he has been providing services free of cost for public benefit including legal consultancy, advisory, preparing RTI, complaints, providing legal awareness amongst lower income/rural persons, due diligence of property documents, advising upon the title, drafting of pleadings, appearance before courts/tribunals and departments etc.

We are in appreciation of Adv. Dubey's Pro-Bono Work

Date: 17.08.2021

Place: Indore

Lion Ajay Sengar
District Governor
Lion Clubs International Dist. 3233G1



TEJASWI LOK KARYAKRAM EWAM
SHODH SANSTHAN



IND/7509/DATED/16/03/2004
Tejaswikaryakram@kewam@gmail.com
9826288184 975414 102

04/09/2021

TO WHOMSOEVER IT MAY CONCERN

We are pleased to certify that Mr. Vashistha Narayan Dubey S/o Late Shri Chintamani Dubey aged about 53 years, has been associated with us since 2007 as an advocate (Registration No. MP/1179/2007) providing pro-bono legal services to poor, needy and lower income groups in the area where our organization/association is active.

Since the time he has been associated with us, he has been providing following services free of cost for public benefit:

- Legal consultancy and advisory.
- Preparation of legal notices.
- Preparing RTI, Police complaints, etc.
- Spreading legal awareness amongst lower income/rural persons.
- Due diligence of property documents and advising upon its title.
- Drafting of pleadings before the LokAdalat, Consumer Forum, Civil Court, etc.

We are in appreciation of Mr. Dubey's pro-bono work.



SECRETARY
TEJASWI LOK KARYAKRAM
EWAM SHODH SANSTHAN

C/1, RAMESHWAR NAGAR, KHANDWA, MADHYAPRADESH

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RTI Foundation

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Ph. : 0731-4009206 Mobile : 9826207770

Email : editor@rtifoundation.com , rtifoundationofindia.com@gmail.com

Web : www.rtifoundationofindia.com

We appreciate Advocate Vashistha Narayan Dubey for been associated with us providing pro-bono legal services to poor, needy and lower income groups. Since 2017, he has been associated with us, he has been providing services free of cost for public benefit including legal consultancy, advisory, preparing RTI applications, appeals, complaints, providing legal awareness amongst lower income/rural persons, drafting of pleadings, appearance before courts/tribunals/departments, etc.

We are in appreciation of Mr. Dubey's pro-bono work.

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Thanking You,

For RTI FOUNDATION
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Authorized Signatory
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DATE 04/09/2021



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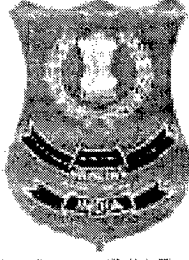
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Telephone: 0755-2982130 Email: naczbho-rc@cbic.gov.in



दिनांक:-11.08.2021

प्रति,

श्री वी. एन. दुबे,
कॉस्ट अकाउंटेंट

महोदय,

विषय:- निरीक्षकों के प्रवेश पाठ्यक्रम में सराहनीय योगदान बाबत।

राष्ट्रीय सीमा शुल्क, अप्रत्यक्ष कर एवं नारकोटिक्स अकादमी, ज़ोनल कैम्पस, भोपाल द्वारा आयोजित "निरीक्षकों के लिये प्रवेश पाठ्यक्रम (Induction Course)" प्रशिक्षण कार्यक्रम में कुशल प्रशिक्षक के रूप में विभागीय अधिकारी/कर्मचारी को अपने अद्वितीय ज्ञान एवं अनुभवों के आधार पर प्रशिक्षण प्रदान कर सराहनीय कार्य कर, हमें सहयोग प्रदान किया है। जिसके लिये हम आपके आभारी हैं तथा भविष्य में भी ऐसे ही सहयोग की अपेक्षा करते हैं। आपके स्वस्थ जीवन और उज्वल भविष्य की कामना करते हैं।

भवदीय

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(इन्द्रजीत बछेरिया)

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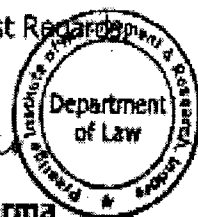
Advocate V.N. Dubey
Managing Partner,
JMVD Legal

Dear Sir,

Prestige Institute of Management and Research, **Department of Law**, Indore would like to extend our gratitude and sincere thanks for judging the Final Round of **Padma Shri Dr. N.N. Jain 2nd National Debate Competition, 2021** held from June 18, 2021 to June 20, 2021.

We believe that the knowledge you have shared will immensely help all the participants as well as panelists in developing a new horizon and an insight into the topic **"PRIMARY DUTY TO PROTECT THE HEALTH OF THE CITIZENS SHOULD RELY ON CENTRE"** and will be helpful in a long run. Your skill in chairing the competition was very much appreciated by the participants and management of the institute. Again, thank you so much for your gracious virtual presence in our National Debate Competition. Please drop in and visit us whenever you are in Indore or plan to visit Indore.

Thanks & Best Regards

Dr. R.K. Sharma
Director Incharge - Department of Law,
Prestige Institute of Management and Research, Indore

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ORDER

Dt.09.11.2017

Consequent upon the CBDT order vide F.No. 278/M.C.I. 2017, dated 11.10.2017, Shri V.N.Dubey, Advocate is hereby appointed as the Sr. Standing Counsel for conducting the cases of Income Tax Department of Indore region before the Honble High Court of M.P., as per the terms and conditions mentioned in the Instruction No.7/2016 dated 07.09.2016 w.e.f 11.10.2017 for the period of three years.

(A. K. Chauhan)

Chief Commissioner of Income Tax, Indore

F.No.CCIT/Ind/Tech /Standing Counsel/2017-18/4007 to 4020 Date:09.11.2017

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8. Ministry of Law(Judicial Section) Shastri Bhawan, New Delhi.
9. Shri V.N.Dubey, Advocate and Sr. standing Counsel, Income Tax, Indore

(P. R. Ukey)

Income Tax Officer (Tech)
Chief Commissioner of Income Tax, Indore

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F. No. 278A/07/2019 Legal
Government of India
Ministry of Finance
Department of Revenue
(Central Board of Indirect Taxes & Customs)
Legal Cell

Wing 'C', 5th Floor, Hudco Vishala Building,
Bhikaji Cama Place, R.K. Puram,
New Delhi-07.12.2020

ORDER

The President of India is please to appoint a fresh panel of Sr./Jr. Standing Counsels of CBIC to handle litigation of Indirect Taxes before various High Courts (other than Delhi High Court) and other fora, in terms of Instruction F. No. 278A/43/2007-Legal dated 05.12.2007, as per following details. The engagement of these Sr./Jr. Standing Counsels is subject to the terms and conditions as laid down in the said Instruction dated 05.12.2007 and Instruction F. No. 278A/50/2011-Legal dated 14.09.2012.

(field formations)

| High Court/Benches | S. No. | Sr. Standing Counsels | S. No. | Jr. Standing Counsels |
|---|--------|-----------------------|--------|-----------------------|
| Allahabad High Court (Pr. Bench) | 1 | Gaurav Mahajan | 1 | Nitin Kesarwani |
| | 2 | Parv Agarwal | 2 | Ankur Agarwal |
| | 3 | Ramesh Chandra Shukla | 3 | Anjana Singh |
| | 4 | Ashok Singh | 4 | Prateek Dawar |
| | 5 | Dhananjay Awasthi | 5 | Pratik Chandra |
| | 6 | Krishna Agarwal | 6 | Vaibhav Tripathi |
| | 7 | Amit Mahajan | 7 | Hari Prakash |
| | | | | 8 |
| Allahabad High Court (Lucknow Bench) | 1 | Dipak Seth | 1 | Shiv Prakash Shukla |
| | 2 | Kuldeepak Nag | 2 | Raj Vikram Singh |
| | 3 | Ratnesh Lal | | |
| | 4 | Manish Misra | | |
| High Court of Andhra Pradesh at Amaravati | 1 | Y N Vivekananda | 1 | Santhi Chandra |
| | 2 | MVJK Kumar | 2 | B Rama Mohan Rao |
| | 3 | Suresh Kumar Routhu | 3 | Aruna Penumaka |
| | 4 | VAA Ravi Kumar | 4 | Pydi Lakshmana Rao |
| | 5 | SVS Prasada Rao | | |
| | 6 | BVS Chalapathi Rao | | |

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|---|----|------------------------------------|----|--|
| Bombay High Court (Pr. Bench) | 1 | Karan P Adik | 1 | Satyaprakash Sharma |
| | 2 | Pradeep Shivnarain Jolly | 2 | Maya Mejumdar |
| | 3 | Vijay Harjivandas Kantharia | 3 | Dhananjay Sathurama Deshmukh |
| | 4 | Paciencia Salvation Cardozo | 4 | Amol D Joshi |
| | 5 | Neha Mehta | 5 | Ruju R Thakker |
| | 6 | Sham V Walve | 6 | Sangeeta Yadav |
| | 7 | Jitendra B Mishra | 7 | Siddharth Chandrashekhar |
| | 8 | Swapnil Shree Krishnadas Bangur | 8 | Ram H Ochani |
| | 9 | Asha A. Desai | 9 | Fernandes Genevieve Catherine (Retired Officer) |
| | 10 | Shehnaz (Sheroo) Vispy Bharucha | 10 | Ganpat Singh Rathore (Retired Officer) |
| | 11 | Neeta Vinay Masurkar | 11 | Padmakar Patkar (Retired Officer) |
| Bombay High Court (Aurangabad Bench) | - | - | 12 | Lilesh Parshuram Sawant (Retired Officer) |
| | - | - | 1 | Amol Ram Joshi |
| | - | - | 2 | Pratik Prakash Kothari |
| Bombay High Court (Goa Bench) | 1 | Asha A. Desai | 3 | Parikshit Pradeep Dawalkar |
| | - | - | 1 | Priyanka Kamat |
| Bombay High Court (Nagpur Bench) | - | - | 2 | Suzette S.A Pereira |
| | 1 | Sharad N. Bhatted | 1 | Sangeeta Mishra |
| | - | - | 2 | Hrishikesh Marathe |
| Calcutta High Court (Pr. Calcutta Bench) | - | - | 3 | Kunal K. Nalamwar |
| | 1 | Bhaskar Prosad Banerjee | 1 | Manashi Mukherjee |
| | 2 | Somnath Ganguli | 2 | Abhradip Maity |
| | 3 | Rajashree Kundalia | 3 | Sukalpa Seal |
| | 4 | Vipul Kundalia | 4 | Aishwarya Rajyashree |
| | 5 | Boudhayan Bhattacharya | 5 | Tapan Bhanja |
| | 6 | Uday Sankar Bhattacharya | 6 | Fkta Sinha |
| | 7 | Sandip Choraria | - | - |
| | 8 | Kaushik Kanti Maiti | - | - |
| Chhattisgarh High Court (Pr. Bench at Bilaspur) | 9 | Kaushik Dey | - | - |
| | 1 | Animesh Tiwari | - | - |

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|--|---|------------------------------|---|------------------------------|
| Guahati High Court (Pr Bench, Gauhati) | 1 | Subash Chandra Keyal | 1 | Dr. Bineta Nanda Gogoi |
| | 2 | Syed Burhanur Rahman | | |
| | 3 | Sanjoy Sarma | | |
| Guahati High Court (Aizwal Bench) | | | 1 | Johny Lalengmawia Toichhawng |
| Guahati H.C.Itanagar Bench | | | 1 | Mrinal Kumar Boro |
| Guahati High Court (Kohima Bench) | | | 1 | Keduvi Zhotso |
| Gujarat High Court (Pr. Bench Ahmadabad) | 1 | Nikunt Kirit Raval | | |
| | 2 | Priyank Pravin Lodha | | |
| | 3 | Dhawal Dharmendra Vyas | | |
| | 4 | Utkarsh Ravi Sharma | | |
| Himachal Pradesh High Court (Pr. Bench Shimla) | 1 | Vijay Kumar Arora | | |
| | 2 | Anil Khuranna | | |
| High Court of Jammu & Kashmir | 1 | Jagpaul Singh | | |
| Jharkhand High Court (Pr. Bench Ranchi) | 1 | Parthsarathy A. S. Pati | 1 | Ashish Kumar Shekhar |
| | 2 | Amit Kumar | 2 | Ranjana Mukherjee |
| Karnataka High Court (Pr. Bangalore Bench) | 1 | Vanita K. R. | 1 | Arvind V. Chavan |
| | 2 | Vikram A. Huligol | 2 | Akash B Shetty |
| | 3 | Amit Deshpande | | |
| | 4 | Jeevanbabu J. Neeralgi | | |
| Karnataka High Court (Dharwad Bench) | 1 | Girish S. Hulmani | | |
| Karnataka High Court (Kalaburgi Bench) | 1 | Archana P. Tiwari | | |
| Kerala High Court (Pr. Bench Ernakulam) | 1 | Sreelal Warriar | 1 | Ajoy P. B. |
| | 2 | Sreejith P. R. | 2 | M.S. Amal Dharsan |
| | 3 | Manu S. | 3 | Kavery S. Thampi |
| | 4 | P.G. Jayashankar | 4 | Rajesh Kumar T.K. |
| | 5 | Preeta S. Nair | 5 | Rajesh K. Raju |
| | 6 | Thomas Mathew Nellimootil | 6 | Thanuja Roshan George |
| | 7 | Sheela Devi I | 7 | Dennis Varghese |

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|---|----|---------------------------|---|------------------------|
| Madhya Pradesh H. C. (Jabalpur Bench) | 1 | Siddhartha S. Sethi | 1 | Sapan Usretho |
| | 2 | Gajendra Singh Thakur | 2 | Shreyas Dubey |
| | 3 | Himanshu Shrivastava | 3 | Rajvardhan Dutt Parana |
| | 4 | Gautam Prasad | - | - |
| | 5 | Abhijeet Shrivastava | - | - |
| M. P. High Court (Gwalior Bench) | 1 | Praveen N. Surange | - | - |
| M.P High Court (Indore Bench) | 1 | Prasanna Prasad | 1 | Abhishek Malviya |
| | 2 | V.N. Dubey | - | - |
| Madras High Court (Pr. Bench at Chennai) | 1 | V. Sundareswaran | 1 | G. Dhana Madhri |
| | 2 | Aparna Nandakumar | 2 | G. Anu |
| | 3 | A.P. Srinivas | 3 | P. Rajkumar Jhabakh |
| | 4 | Promod Kumar Chopda | 4 | Siddarth H. |
| | 5 | K. Mohanamurali | 5 | R. Gunaalan |
| | 6 | Rajnish Pathiyal | 6 | G. Meganathan |
| | 7 | K. Umesh Rao | 7 | K. G. Usha Rani |
| | 8 | Hema MulalKrishnan | 8 | J. Vasu |
| | 9 | R. Hemalatha | - | - |
| | 10 | Sheela M. | - | - |
| | 11 | S. Gurumoorthy | - | - |
| | 12 | T.R. Senthil Kumar | - | - |
| | 13 | M. Santhanaraman | - | - |
| | 14 | Ravi Kannan | - | - |
| | 15 | Rajendran Raghavan | - | - |
| Madras High Court (Madurai Bench) | - | - | 1 | S. Ragavendre |
| | - | - | 2 | K. Prabhu |
| Manipur High Court (Imphal) | - | - | 1 | Thokchom Sanachouba |
| Maghalaya H. C. (Shillong Bench) | 1 | Nitesh Mozika | 1 | Kerphidalin Warjri |
| Orissa High Court (Pr. Bench at Cuttak) | 1 | Radheyshyam Chimanka | 1 | Anand Prakash Das |
| | 2 | Choudhury Satyajit Misra | 2 | Abhinandan Pradhan |
| | 3 | Subash Chandra Mohanty | - | - |
| | 4 | Prasanna Kumar Panda | - | - |
| Patna High Court (Pr. Bench) | 1 | Anshuman Singh | 1 | Shashank Shekhar |

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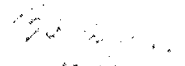
| | | | | |
|--|---|-------------------------------|---|------------------------|
| Punjab & Haryana High Court (Pr. Bench Chandigarh) | 1 | Saurabh Goel | 1 | Gagandeep Singh Mishra |
| | 2 | Anshuman Chopra | 2 | Kunal Vinayak |
| | 3 | Ajay Kalra | 3 | Vikram Bhatt |
| | 4 | Tajender Joshi | 4 | Alankrit Bhardwaj |
| | 5 | Sharan Sethi | 5 | Niharika Gupta |
| | 6 | Sanjay Bansal | 6 | Vaibhav Gupta |
| | 7 | Rishabh Kapoor | | |
| | 8 | Sunish Bindlish | | |
| Rajasthan High Court (Pr. Bench at Jodhpur) | 1 | Rajendra Saraswat | 1 | Kuldeep Vaishnav |
| | 2 | Vipul Singhvi | 2 | Vijay Poonya |
| | 3 | Ankur Mathur | | |
| Rajasthan High Court (Jaipur Bench) | 1 | Kinshuk Jain | 1 | Archit Bohra |
| | 2 | Siddarth Ranka | 2 | Mahi Yadav |
| | 3 | Sandeep Pathak | 3 | Rahul Lodha |
| | 4 | Shivangsu Naval | 4 | Kapil Sharma |
| | 5 | Ajay Shukla | | |
| Sikkim High Court | 1 | Ajay Rathi | 1 | Dilip Kumar Agarwal |
| Telangana High Court at Hyderabad | 1 | Sundari R Pisupati | 1 | V T Kalyan |
| | 2 | Bommineni Narayana Reddy | 2 | Uday Kumar Bhagwat |
| | 3 | B Narasimha Sharma | 3 | Bokaro Sapna Reddy |
| | 4 | Dominic Mario Fernandes | 4 | Jithender Barenkala |
| | 5 | Swaroop Oorilla | 5 | NVR Rajya Lakshmi |
| | 6 | Ramakrishna Reddy Pedunuthula | 6 | K Kiranmayee |
| Tripura High Court (Agartala Bench) | 1 | Paramartha Datta | | |
| Uttarakhand High Court (Pr. Bench at Nainital) | 1 | Shobhit Saharia | | |
| | 2 | Ashutosh Gulati | | |

2. The panel is constituted initially for a period of six months and on satisfactory performance, the same shall be continued for the remaining period of two and a half years.

3. It is clarified that field formations (GST/Customs formations) may avail services of the Sr./Jr. Standing Counsels who have been appointed vide Board's order F. No. 278A/07/2019-Legal (Pt III) dated 01.10.2020 (copy available on CBIC website) for handling DRI/DGGI cases of Indirect Taxes before various High Courts and other fora.

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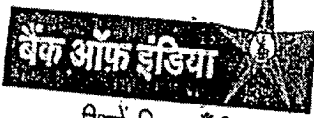
4. This issues with concurrence of Ministry of Law & Justice vide their ID No. J-12013/55/2019-Judl dated 12.05.2020 and the Integrated Finance Unit (IFU) Dy. No. 298/IFU EC/2020 dated 11.09.2020.


(Anish Gupta)
OSD (Legal)

Copy to:

1. All Principal Chief Commissioners/ Chief Commissioners of CGST & CE, Customs & Customs (Prev.)
2. All Principal Director Generals/ Director Generals of CGST & CE and Customs
3. All Joint Secretaries/ Commissioners under CBIC
4. Special Secretary, GST Council, Jeevan Bharti Building, Connaught Place, New Delhi
5. CEO, Goods and Services Tax Network, East Wing, 4th Floor, World Mark-I, Tower 'B', Aerocity, New Delhi
6. Judicial Section, Department of Legal Affairs, M/o Law & Justice (Ref. their ID No. J-12013/55/2019-Judl. dated 25.06.2020)
7. <https://www.cbic.gov.in> for uploading the same on CBIC website under URL: cbic.gov.in/htdocs-cbec/legalaffairs/dla_idx.

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रिश्तों की जमापूँजी

Mid Corporate Branch, Indore

Ground Floor, Airen Heights, Plot No 14, PU-3, Scheme 54,
A.B. Road, Vijay Nagar Indore-452010

Phone:0731- 2575301-5 Fax:0731-2575306, Email: mcb.indore@bankofindia.co.in
Ref. No.: BOI:MCB:JKJ:206 Date: 19-07-2013

To,
Mr. V. N Dubey
11-D Slice -4
Scheme 78 Vijay Nagar Indore

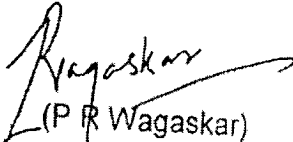
Ref : Empanelment in our Bank's Advocate Panel

Sir,

We refer to your request letter dated 19-07-2013 Regarding the issuance of certificate confirming your empanelment in our Bank's Advocate Panel and work experience, for submitting certificate to Punjab and Sindh Bank.

This is to state that the best of our knowledge and information your work is satisfactory with us and you are empanelled in our Bank from last two years

It is clarified that this information is furnished without any risk and responsibility on our part in any respect whatsoever, more particularly either as guarantor or otherwise. This certificate is issued at the specific request of the customer.


(P R Wagaskar)
Assistant General Manager

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रिश्तों की जमापूँजी

Mid Corporate Branch, Indore

Ground Floor, Airen Heights, Plot No 14, PU-3, Scheme 54,
A.B. Road, Vijay Nagar Indore-452010

Phone:0731- 2575301-5 Fax:0731-2575306, Email: mcb.indore@bankofindia.co.in

Ref. No.: BOI:MCB:JKJ:206

Date: 19-07-2013

To,
Mr. V. N Dubey
11-D Slice -4
Scheme 78 Vijay Nagar Indore

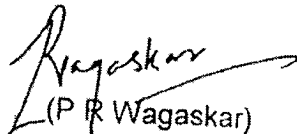
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(P R Wagaskar)
Assistant General Manager

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Indore Mid Corporate Branch, Ground Floor, Airen Heights, Plot No 14, PU-3, Scheme 54, A.B. Road, Vijay Nagar Indore-452010

Phone:0731- 2575301-5 Fax:0731-2575306, Email: mcb.indore@bankofindia.co.in



बैंक ऑफ बड़ौदा Bank of Baroda

BOB:ZO:MP&CG:19:Legal:2013: 515

Date: 24.07.2013

Shri Vashishtha Narayan Dubey (Advocate)
"Shree Shubham"
11-S, Slice-4, Scheme-78,
Vijay Nagar,
INDORE

Dear Sir,

Re : Your empanelment as Bank's advocate for our branches at Indore City Branches.


This has reference to your application dt. 15.04.2013 wherein you have evinced interest for empanelment as a panel advocate with our bank. We are pleased to inform you that your request has been considered favorably and you are advised to give your consent for empanelment on following terms and conditions:

1. You will abide by bank's terms and conditions and you will not claim any retainer fee or employment in bank's service.
2. You will not accept case against the bank.
3. You will take necessary steps to protect the interest of the bank in matters entrusted to you from time to time.
4. You will be paid fees as per bank's schedule of fees payable in different matters.
5. Your empanelment does not confer any right or claim that you alone should be entrusted with the bank's work.
6. You will not enter any compromise with the opposite party without written instructions given by the bank.
7. The bank may at any time, at its discretion, withdraw from you any proceedings/ matter/brief and may discontinue you as bank's advocate without assigning any reason thereof and without paying any further fees.
8. You will keep bank informed about the developments in the matter entrusted to you.
9. Separate and specific instructions will be given to you at the time of entrustment of matter to you.
10. Unless a case is specially assigned to you by the bank, you will not on your own receive Summons/Notices of the bank's matters and even if you receive, if no Vakalat is given to you, you shall not otherwise deal with such cases. However, you will immediately inform the bank/branch to which you are attached.
11. You shall not use bank's name or symbol, logo in your letter heads, sign boards name plates etc.
12. In case, you do not take interest in execution of decrees expressly or implication, you are liable to be removed from the panel of advocates.
13. In case of any misconduct the bank will take appropriate action against you which include filing complaint with Bar Council and recovery of financial loss caused to bank due to your misconduct.
14. In case of initiation of any disciplinary proceedings/ criminal proceedings against you, the bank may remove you from the panel even without waiting for the conclusion of such proceedings.
15. Your performance will be reviewed at regular intervals and if your services are not required/found up to the mark then bank will remove you from panel and the cases/matters entrusted to you will be taken back from you.
16. The initial empanelment will be for a period of 3 years. However, on completion of the term and satisfactory performance, the same may be renewed further at the sole discretion of Bank of Baroda.

You are requested to return the duly signed duplicate copy of this letter indicating your unconditional consent or agreeing the terms and conditions. You are also requested to execute an undertaking as per the enclosed draft on Rs.100/- Stamp paper and send it to us.

We look forward for better co-operation in the matters and hope for good relation with you.

Yours faithfully,


S K Birani
Chief Manager Coordination
MP & CG Zone Bhopal]

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अंचल कार्यालय (म.प्र. एवं छ.प्र. अंचल)/क्षेत्रीय कार्यालय (भोपाल) : प्लॉट नं. 202, गंगा जमुना काम्प्लेक्स, महाराणा प्रताप नगर, जौन-1, भोपाल-462 011 (म.प्र.) भारत
फोन 91 0755 2557721, 2572297 फैक्स 91 0755 4274202
Zonal Office (M.P. & C.G. Zone)/Regional Office (BHOPAL) : Plot No. 202, Ganga Jamuna Complex, M.P. Nagar, Zone-1, Bhopal-462011 (M.P.) India
Phone 91 0755 2557721, 2572297 Fax 91 0755 4274202
E-mail:zm.mpz@bankofbaroda.com www.bankofbaroda.com



Union Bank
of India

Regional Office, Indore; Ph.0731-2578806-10, Fax,0731-2578805

Ref.ROI:LAW:32/13

Date: 28.09.2013

To,
Shri V.N. Dubey
Advocate
11-D, Slice-4, Scheme No.78,
Vijay Nagar, Indore.

Dear Sir,

SUB: APPROVAL FOR EMPANELMENT AS ADVOCATE

With reference to your application dated 15.04.2013 on the subject, we are pleased to inform you that the Competent Authority has approved you as Union Banks panel advocate provisionally for one year, after which the performance shall be reviewed and further decision shall be taken accordingly.

Please note that during your association with Union Bank of India you shall not accept any case against the bank. Your fees for the services are as per the prescribed fee schedule of Union Bank of India. Your approval for engagement as Banks Lawyer or inclusion of your name in the approved panel does not amount to an appointment or right for an appointment to be made by the bank and the Bank is free to engage lawyer of its choice, and no right exists for an empanelled lawyer to claim that you should be entrusted with the banks work.

Please also note that under no circumstances you should use any legend containing the Bank's name or symbol in your letter head, name plates etc. such as " Approved Lawyer to Union Bank of India" or " Lawyer for Union Bank of India".

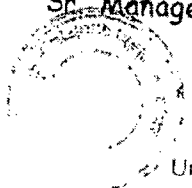
Subject to the above you are authorized to work as a lawyer for Union Bank of India.

Thanking You,

Yours Faithfully,


Sr. Manager (CRLD)

Cc: Branch Head,
Branches at Indore


Union Bank of India,
Regional Office
Jeevanpradeep 12-12-A, Anoopnagar,
MIG Square,
Indore-452011

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EMPANELMENT LETTER

Ref. No. : Y N Road/043/05/2016

Date : 12th May 2016To,
Mr. V N Dubey
11-D Slice 4, Scheme - 78
Vijay Nagar
Indore

Dear Sir,

This has reference to your request for Empanelment. We are glad to advise you that your name has been included in the Panel of Advocates to deal with the cases for the Bank subject to the following conditions:

- 1) Under no circumstances, you should use any legend containing the Bank's name or symbol in your letter heads, sign boards, name plates etc., such as legal advisor to Axis Bank Ltd.
- 2) As long as you are in the approved panel of the Bank, you should not appear / advise against any branch of our Bank,
- 3) Inclusion of your name in the approved panel does not tantamount to your appointment in the Bank nor does it create any partnership.
- 4) The empanelment does not give rise to any right to you to demand that all the cases pertaining to the Bank should be directed to you.

The Bank reserves the sole right to refer such cases to your as it may deem fit.

The Bank reserves the right to depanel your name without assigning any reasons whatsoever if it desires so. You shall adhere to the norms of the Bank including its fee structure. The fee structure as prevalent from time to time shall be applicable. The current fee structure is appended herewith. If the same is acceptable, you may sign a copy of the letter.

Yours faithfully,


Authorised SignatorySumit B Sharma
Branch Head
Y N Road, Indore**SUMIT SHARMA**
DVP & Branch Head
Indore Branch
S.S. No. 6873T/C
✓Kamal Palace, 1 Yeshwant Colony, Yeshwant Niwas Road,
Indore, Madhya Pradesh-452003

Tel. No. :(0731)4295333 Fax No. :(0731)2436910

REGISTERED OFFICE : "Trishul" - 3rd Floor Opp. Samartheswar Temple, Near Law Garden, Ellisbridge, Ahmedabad - 380 006

यूको बँक  UCO BANK

Head Office : 10, B.T.M. Sarani, Kolkata-700001
Zonal Office : 380, Saket Nagar, Indore-452018 (M.P.)

ZOI/Retail/MISC/ 2/ /2010-11.

Dated 1st July, 2010.

To,
Mr. V N Dubey,
C/o JMVD & CO
11-d, Slice-4 Scheme no - 78,
Vijay Nagar, Indore.

Dear Sir,

Reg : Your Empanelment in our panel of Lawyers.

We are pleased to inform you that the Competent Authority has approved continuance of your name in the panel of Lawyers of our Bank to render professional services to the Branch/es of our Bank.

Please note that your empanelment is subject to the following terms and conditions;

1. That you have to accept Bank's cases as per the schedule of Fees prescribed by the Bank.
2. The fees so negotiated and settled should be for all works involved from the time of issuing notices till the final disposal of the case i.e., completion of execution proceedings.
3. The fees will be paid to you in three instalments i.e., 1/3rd at the time of filing of application/case, 1/3rd after the certificate is issued and 1/3rd after the completion of execution proceedings.
4. please note that if for any reason before the hearing and final disposal of the case the Bank desires to change the lawyer, the Bank will be at liberty to discharge you at any stage for which you will not have any objection and you will handover the

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papers/briefs to the Bank and in such event you will be entitled to proportionate fees only and not the full fees as may have been agreed.

5. If at any stage, a case is settled/compromised and withdrawn before the hearing and final disposal, the fees payable to you will be on the basis of quantum merit i.e., on work done upto the date of settlement/compromise/withdrawal of the case.
6. If at any stage of the case, the Bank desires to engage a Senior Advocate to argue the case, you will not have any objection thereto and will give your consent to such engagement of the Senior Advocate.
7. You will not conduct/accept any case against the Bank and if you are already having any case against the Bank the same has to be given up by you.
8. You will keep the Bank informed in writing from time to time regarding the position of the case.
9. Your empanelment will be solely the discretion of the Bank and can be discontinued at any point of time and you shall not have any claim as a matter of right for continuation of the empanelment further by virtue of the empanelment you will not have any right of employment in whatsoever manner in the Bank.

Please note that your performance will be reviewed every year by Controlling Office of the Bank.

You are requested to send the copy of this letter duly signed acknowledged by you accepting the above terms and conditions for our records.


Yours faithfully,


(Chief Officer (BII))

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IDBI BANK

आईडीबीआई बैंक लिमिटेड
अहमदाबाद ब्रंच आई.डी.बी.आई. कॉम्प्लेक्स,
म्युटुअल क्वार्टर्स के सामने, वाल बगल के पास,
मौ.जी. रोड के पास, पोस्ट बॉक्स नं. 22, अहमदाबाद-380 006
दूरभाष नं: 079-66072600/66072741
फैक्स : 079-66072773
वेबसाइट: www.idbi.com

IDBI Bank Limited
Ahmedabad Branch IDBI Complex
Opp. Mutual Staff Quarters Near Cal. Buri
Off. C.G. Road, Post Bag No. 22
Ahmedabad-380 006
Tel: 079-66072600-66072741
Fax: 079-66072773
Web Site: www.idbi.com

By

आईडीबीआई अशाका सं. N. 988 (copy)

दिनांक 19.11.2013

Shri. Vashishtha Narayan Dubey,
Indore,
H.D. Street - 4,
Scheme 28,
Vijay Nagar,
Indore - 15
M.P.

प्रिय महोदय,

विषय: Empowerment Letter.

प्रतिबन्धना :

निम्न विषय पर ट्रम ड्रम पत्र के साथ निम्नलिखित सामग्री आपकी सूचना व आवश्यक कार्रवाई हेतु भेज रहे हैं :

Letter dtd. 19.11.13 on the above
matter.

T/K

प्रमाण - प्रक्षेप

भवदीय

 परमार
कृत महाप्रबंधक

T/K



आईडीबीआई बैंक लिमिटेड

अहमदाबाद शाखा : आईडीबीआई कॉम्प्लेक्स,
एच. एम. स्टाफ क्वार्टर्स के सामने, ताल बंगले के पास,
मो. सं. गेट के पास, पोस्ट बॉक्स नं. 22 अहमदाबाद-380 005
दूरभाष नं. 079-66072600 / 66072724
फ़ोन नं. 079-26400814, 66072773
वेबसाइट www.idbi.com

IDBI Bank Limited
Ahmedabad Branch IDBI Complex
Opp. Muni Staff Quarters Near Lal Bungalow
Off. C.G. Road Post Bag No. 22
Ahmedabad-380 005
Tel: 079-66072600 / 66072724
Fax: 079-26400814 / 66072773
Web Site: www.idbi.com

Date: November 19, 2013

To,
Shri. Vashista Narayan Dubey,
Advocate,
H.D. Slice-1,
Scheme 78,
Vijay Nagar,
Indore-11,
Madhya Pradesh

Dear Sir,

EMPANELMENT LETTER

We refer to your application dated 10.10.2013 evincing interest for empanelment as an advocate with IDBI Bank Ltd.

We are pleased to inform you that your aforesaid request has been favourably considered and it has been decided to include your name in the Bank's panel of advocates falling within the jurisdiction of the Courts in Indore- District in the State of Madhya Pradesh subject to your communicating absolute, unconditional and unqualified acceptance of the terms and conditions as set out in the Annexure.

This letter is sent in duplicate and in case, you are agreeable to the terms and conditions contained in the Annexure, please send the duplicate of this letter duly signed in favour of your absolute, unconditional and unqualified acceptance.

Yours faithfully,

(Girish Parmar)

Deputy General Manager (Legal)

Enclosed as above

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इण्डियन ओवरसीज बैंक

Indian Overseas Bank

क्षेत्रीय कार्यालय - सी.पी. स्क्वायर-2, मालवीय नगर ,

पुरानी विधानसभा के सामने, भोपाल -462003

Regional Office: C.P. Square 2 Malviya Nagar,

Opp. Old Vidhan Sabha, Bhopal-462003

दूरभाष नं: 0755-2570255, 2570212

क्षे.प्र: 0755-2570202

ई-मेल: 2253law@iob.in

Ref. No. - RO/LAW/ /2021- 22

दिनांक Date: 25.08.2021

To,

Vashishtha Narayan Dubey

302, Man Heritage, South Tukoganj,

Indore (M.P.) - 452 001

Mob. No. - 098263 98848 / 098268 00836

Dear Sir,

We refer your request to include your good self in the panel of approved lawyers. We are pleased to have your name in our panel of lawyers for **Indore City branches** of our Region.

1. Your name has been included in the panel of approved lawyers without any retainer fee.
2. You are expected to attend all hearings of our cases entrusted to you personally and will abide by Bank's terms and conditions.
3. Cases entrusted to you should be followed for expeditious disposal and the developments should be promptly reported/advised to branch/ Regional Office /Central Office in writing from time to time.
4. Your empanelment does not confer any right or claim that you alone should be entrusted with the Bank's work.
5. You will not enter any compromise with the opposite party without written instructions given by the Bank.
6. Fees payable will be in accordance with Bank's Policy and the same will be paid in stages as decided from time to time.
7. You should submit bills to branch in duplicate with break-up figures for the amount received/payable as advance at the time of suit/EP proceedings, indicating separately the amounts legally recoverable from party and otherwise.
8. For giving opinion on title deeds, you should personally make a search in the Registrar's office and verify the entries to ensure the genuineness of the document and to report all encumbrances over the property offered as security expressing as to whether such properties can be accepted as security for our bank's advance.
9. In as much as you are in our approved panel, you will not appear in any case in any of the courts against our Bank.
10. You will not to use the bank's name or symbol in your letter-head, sign boards, visiting cards and etc.
11. You will render advice on routine banking matters referred and would charge fees as per bank's schedule for issuing registered notices to the parties recalling the loan/advances.
12. Unless a case is specially assigned to you by the Bank, you will not on your own receive Summons / Notices of the Bank's matters and even if you receive, if no Vakalat is given to

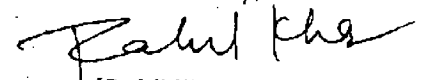
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- you, you shall not deal with such cases. However, you will immediately inform the concerned Branch/Regional Office.
13. The Bank at its sole discretion can delete your name from the panel without giving any reasons thereof.
 14. This is not an offer of employment in the Bank and you will not claim any retainer fee or employment in Bank.
 15. In the event of the Bank being defrauded due to wrong / fraudulent information provided by you, the same will be considered as dishonest practice and bank will be levying penalty besides deletion of your name from the panel.
 16. Bank reserves its right to review your performance periodically and seek your concurrence to the above terms and conditions and count on your valued co-operation in effectively dealing with the legal work entrusted to you.
 17. In case of initiation of any disciplinary proceedings / criminal proceedings against you, the Bank may remove you from the panel even without waiting for the conclusion of such proceedings.
 18. In case of any negligence or professional misconduct the Bank will take appropriate action against you which include filing complaint with Bar Council and recovery of financial loss caused to Bank due to your misconduct.
 19. **"Kindly note that your opinion / certification would be an input for our decision making. Therefore, we would like to state that in the event your opinion / certification turns out to be untrue and factually incorrect causing loss to the bank, we may seek such clarifications as may be required to investigate the matter and fix the responsibility. In the event it is established that there was gross negligence on your part or you had colluded with our customer in causing pecuniary damage / loss to the bank we may recommend your name for including in the caution list being maintained by the IBA for circulation amongst member banks".**
 20. You shall indemnify and hold the Bank harmless from and against any claim losses, costs, damages, expenses, action suits and other proceedings relating to or resulting directly or indirectly from breach of the any of the above terms and from your willful misconduct or gross negligence in providing services to the Bank.
 21. You will abide by such other reasonable terms & conditions the bank may stipulate from time to time.

Upon agreeing to the above, you are requested to acknowledge the receipt of this letter and return your acknowledgment in duplicate to the below mentioned.

Yours faithfully,



(Rahil Khan)

Chief Manager

cell



Copy to:

- 1) Central Office – Law Department
- 2) Indore City Branches



V N DUBEY <vndubey@jmvdlegal.com>

Empanelment in the list of Insolvency Professionals with PNB

HO NCLT <honclt@pnb.co.in>

9 November 2021 at 19:13

To: "VNDUBEY@JMVDFLEGAL.COM" <VNDUBEY@jmvdlegal.com>

09.11.2021

Mr./Ms. VASHISHTHA NARAYAN DUBEY

Insolvency Professional

IP Registration No.: IBBI/IPA-002/IP-N00252/2017-18/10766

Dear Sir/Madam,

Reg.: Empanelment in the list of Insolvency Professionals with PNB

Please refer to application for empanelment as Insolvency Professional submitted by you to PNB in response to newspaper publication dated 06.07.2021 inviting Expression of Interest (Eoi).

We would like to inform that you have been empaneled with PNB as Insolvency Professional w.e.f. 03.11.2021.

The terms of empanelment are as under:


- The empanelment shall be for a period of three years, after which IPs to submit fresh applications/ documents etc, when invited by the Bank.
- The empanelment shall be subject to ongoing review based on assignments handled by you time to time. The bank may take decision for depanelment of any Insolvency Professional based on experience.
- The assignment by the Bank to act as IRP/RP/Liquidator shall be at the sole discretion of the bank and the decision taken by the bank in this regard shall be final.

Kindly note that your empanelment with bank or this communication does not give any right or entitlement to receive any assignment from the Bank.

In addition, your empanelment with the Bank does not entitle you to use the Name / Logo and/or any intellectual property of the Bank for any purpose, whatsoever.

Punjab National Bank

SASTRA Division, Head Office

 Fabrikam

PNB's Offering

"Avail PNB's Offerings for 24*7 seamless banking experience: Internet Banking; RuPay and Visa Debit / Credit Cards ; Mobile Apps [PNBOne, mPassbook, BHIM PNB and PNB Genie for Credit Cards]"

For Details :

Contact:Toll Free No. 1800-180-2222/1800-103-2222 & Tolled No. 0120-2490000

Visit: www.pnbindia.in

For Credit Card, please call Credit Card Call Centre No. 18001802345 (Toll Free) and 0120-4616200 (Tolled No.) and visit: pnbcard.in

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(Under the jurisdiction of Bilaspur)

SOUTH EASTERN COALFIELDS LIMITED
(A MINI RATNA PSU)

CIN: U10102CT1985GOI003161
Regd. Office: SEEPAT ROAD BILASPUR (C.G.)-495 006

LEGAL DEPARTMENT
PHONE: - 07752 - 246337



साऊथ ईस्टर्न कोलफील्ड्स लिमिटेड
(एक मिनी रत्न पी.एस.यू.)

CIN: U10102CT1985GOI003161
पंजीकरण : सीपतरोड, बिलासपुर(छ.ग.उ.) 495006.

विधिविभाग

दूरभाष : 07752 246337

Ref: SECL/BSP/Legal/GM/2022/ 86

Date: 16.03.2022

Shri V N Dubey, Advocate,
302, Man Heritage South Tukoganj
Indore
Madhya Pradesh 452001
Email ID:- vndubey@jmvdllegal.com

Sub: Offer Letter for Empanelment as M/s South Eastern Coalfields Limited's
Advocate/Law Firm.

Dear Sir,

This is with reference to your application no. ABKPD5050C000102, wherein you have evinced interest for empanelment as an Advocate with the Company. We are pleased to inform that your request has been considered favorably and it has been decided to empanel you as company's Advocate in accordance with the provisions of the SECL's Policy for Empanelment of Advocates/Law Firms. However, this empanelment will be subject to your consent on the following terms and conditions:

1. You will abide by Company's terms and conditions as elaborated in SECL's Policy for Empanelment of Advocate/Law Firm and you will not claim any retainer fee or employment in Company's service.
2. You will not accept any case against the Company.
3. You will take necessary steps to protect the interest of the Company in matters entrusted to you from time to time.
4. Empanelment does not confer any right or claim that you alone should be entrusted with the Company's work.
5. You will personally deal with the case(s) assigned to you in addition to

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coordinating and working with designated Senior Advocate, if any, engaged in the same matter.

6. The Company may at any time, at its discretion, withdraw from you any proceedings/ matter/ brief and may discontinue you as Company's Advocate/Law Firm without assigning any reason thereof and without paying any further fees.
7. You will keep the Company informed about the developments in the matters entrusted to you on regular basis using digital modes of communication and shall intimate through call also if the situation so demands.
8. Unless a case is specially assigned to you by the Company, you will not on your own receive Summons / Notices of the Company's matters and even if you receive, if no Vakalatnama is given to you, you shall not otherwise deal with such case(s). However, you will immediately inform the Company in this regard.
9. You shall not use Company's name or symbol, logo in your letter heads, sign boards name plates etc.
10. In case of any conduct not befitting of an empanelled Advocate/ Law Firm, the Company will take appropriate action against you which may include, but is not limited to filing complaint with Bar Council and recovery of financial loss caused to the Company due to your conduct.
11. In case of initiation of any administrative action by Bar Council or criminal proceedings against you, the Company may remove you from the panel even without waiting for the conclusion of such proceedings.
12. Your performance will be reviewed on yearly basis and if your performance/services are not found up to the mark, Company may remove you from panel and the cases/ matters entrusted to you will be taken back from you.
13. You are required to maintain absolute secrecy about the cases of the Company as required under the Advocate's Act, 1961, relevant rules and regulations and you shall not divulge any details to an outsider or opponent as the case may be without written consent of the HoD (Legal). SECL.

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14. This new empanelment of Advocate/Law Firms comes with a revised Schedule of Fee 2021, to be effective from 01.04.2022.

15. In case the terms and conditions as specified under the Empanelment Policy 2021 and Scheduled of Fee 2021, are acceptable, you are requested to kindly sign each page of this offer letter and return the **duly signed duplicate copy of this letter indicating your unconditional consent.**

16. It is further requested that a soft copy of self-attested Pan card, Adhaar Card as well as a cancelled Cheque may please sent along with the signed acceptance letter within a period of 10 days per return e-mail, with hard copy to follow (post it to our address mentioned in our letter head)). In case no response is received within the prescribed time the offer letter will become void for any future acceptance.

We look forward for a fruitful association with you.

Enclosure: - Schedule of Fee 2021
Empanelment Policy 2021

Cordially

General Manager (Legal)
16/3/22
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ACCEPTED BY:

(Signature)

Shri V N Dubey, Advocate,

Date.....



V N DUBEY <vndubey@jmvlegal.com>

Empanelment of Insolvency Professionals with SBI.

5 messages

NCLT <nclt@sbi.co.in>

30 December 2021 at 11:45

To: DGM NCLT <dgm.nclt@sbi.co.in>

Cc: Agm2 Nclt <agm2.nclt@sbi.co.in>, agm nclt <agm.nclt@sbi.co.in>

Dear Sir/Madam,

Greetings From State Bank of India.

We are glad to inform you that, you have been shortlisted for empanelment with State Bank of India. Please submit a signed copy of NDA on non-judicial stamp paper of Rs.600 to the below mentioned address latest by 10th January, 2022. If NDA is not submitted by 10th January, 2022 your name may not appear on the Banks panel. Please also indicate your home NCLT centre to add it as centre for individual insolvency cases.

Please note that empanelment by SBI does not create any right in favour of empanelled IP to claim appointment as IRP/RP/Liquidator in any case/matter under IBC. The empanelment only entitles you to bid for a CIRP/Liquidation/IIP/PPIRP assignment being offered by the bank on the basis of competitive bidding. The Bank also reserves the right to discontinue your empanelment at any time without assigning any reasons thereof.

Please acknowledge receipt and your acceptance of terms and conditions for empanelment by return mail.

Address:**Deputy General Manager (NCLT)****State Bank of India****Stressed Assets Resolution Group,****The Arcade, 2nd Floor,****World Trade Centre,****Cuffe Parade, Mumbai – 400 005****Phone : 022-6286-6413**

In case of any clarification, you may contact Mr. Abhimanyu, Deputy Manager-Law, 022-62866410

Thank you and Regards,

Deputy General Manager (NCLT)

State Bank of India, Corporate Centre

NCLT Cell, Stressed Assets Resolution Group

Mumbai

The information in this mail is confidential and is intended solely for addressee. Access to this mail by anyone else is unauthorized. Copying or further distribution beyond the original recipient may be unlawful. Any opinion expressed in



मंडल क्षेत्र / Circle SASTRA
PUNJAB NATIONAL BANK
20 ब्रेह नगर, सपना-समीता रोड, इंदौर -452001
Email- cs6885@pnb.co.in; Ph-0731-2438010.

01.10.2022

To,
Shri Vashistha Narayan Dubey
(Advocate)

Sir,

Reg: Empanelment of your name in the bank's panel of advocates.

With reference to your request to include your name in bank's panel of advocates, we are pleased to inform you that your name has been taken on the Bank's panel of advocates.

You are informed that inclusion of your name in the panel or engaging you as Counsel in any of Bank's litigation does not constitute appointment or right for appointment. Bank is free to engage any advocate of its choice.

You will be undertaking bank's legal work on bank's terms and conditions. Bank's schedule of fees is acceptable to you. Under no circumstances, you would use any legend containing the bank's name or symbol in your letter heads, sign-boards, name-plates etc. You will not appear/advise against the Bank as long as you are in the panel.

Panel is maintained by the bank for its convenience sake and it is not obligatory for the bank to assign the work to you. Bank in its sole discretion can delete your name from the Panel at any time.



Yours faithfully,

(Sr. Manager Law)

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भारत सरकार
Government of India

भारतीय विशिष्ट पहचान प्राधिकरण
Unique Identification Authority of India

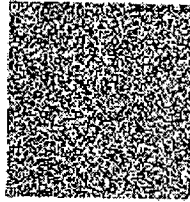
नामांकन क्रम/ Enrolment No.: 1142/60018/01849

Download Date: 21/07/2011

To
वशिष्ठ नारायण दुबे
Vashishtha Narayan Dubey
S/O: Chintamani Dubey
VIJAY NAGAR
11-D SLICE 4 SCHEME NO. 78
Indore
Vijay Nagar
Indore Madhya Pradesh - 452010
9826398645

Issue Date: 23/12/2012

Scanned by Verifac
Scan Date: 23/12/2012
Scan Time: 10:40:00
Scan Location: Indore



आपका आधार क्रमांक / Your Aadhaar No. :

9136 7683 9005

VID : 9179 6394 4671 7400

मेरा आधार, मेरी पहचान



भारत सरकार
Government of India



Download Date: 21/07/2011



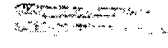
वशिष्ठ नारायण दुबे
Vashishtha Narayan Dubey
जन्म तिथि/DOB: 02/08/1967
पुल्य/ MALE

Issue Date: 23/12/2012

9136 7683 9005

VID : 9179 6394 4671 7400

मेरा आधार, मेरी पहचान



सूचना

- आधार पहचान का प्रमाण है, नागरिकता का नहीं।
- सुरक्षित QR कोड / ऑफलाइन XML / ऑनलाइन ऑथेंटिकेशन से पहचान प्रमाणित करें।
- यह एक इलेक्ट्रॉनिक प्रक्रिया द्वारा बना हुआ पत्र है।

INFORMATION

- Aadhaar is a proof of identity, not of citizenship.
- Verify identity using Secure QR Code/ Offline XML/ Online Authentication.
- This is electronically generated letter.

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- आधार कई सरकारी और गैर सरकारी सेवाओं को पना आसान बनाता है।
- आधार में मोबाइल नंबर और ईमेल ID अपडेट रखें।
- आधार को अपने स्मार्ट फोन पर रखें, mAadhaar App के साथ।

- Aadhaar is valid throughout the country.
- Aadhaar helps you avail various Government and non-Government services easily.
- Keep your mobile number & email ID updated in Aadhaar.
- Carry Aadhaar in your smart phone – use mAadhaar App.



भारतीय विशिष्ट पहचान प्राधिकरण
Unique Identification Authority of India

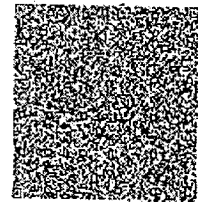


पता:

S/O: वशिष्ठ नारायण दुबे, 11-डी स्लिस न 78 प्लॉट नं 4,
विजय नगर, इंदौर, केंद्र,
मध्य प्रदेश - 452010

Address:

S/O: Chintamani Dubey, 11-D SLICE 4
SCHEME NO. 78, VIJAY NAGAR, Indore,
Indore
Madhya Pradesh - 452010



9136 7683 9005

VID : 9179 6394 4671 7400



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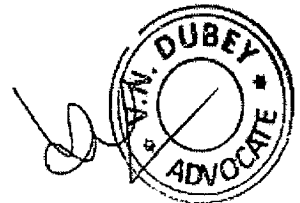


help@uidai.gov.in



www.uidai.gov.in

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स्थायी लेखा संख्या /PERMANENT ACCOUNT NUMBER

ABKPD5050C



नाम /NAME

VASHISTHA NARAYAN DUBEY

पिता का नाम /FATHER'S NAME

CHINTA MANI DUBEY

जन्म तिथि /DATE OF BIRTH

02-08-1967

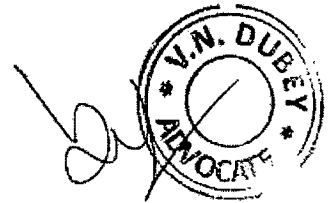
हस्ताक्षर /SIGNATURE

V.N.D.

[Handwritten signature]

मुख्य आयकर आयुक्त, भोपाल

CHIEF COMMISSIONER OF INCOME-TAX BHOPAL



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[Handwritten mark]

**CERTIFICATE UNDER RULE 8 OF THE HIGH COURT OF MADHYA
PRADESH (DESIGNATION OF SENIOR ADVOCATE) RULES, 2018**

I VASHISTHA NARAYAN DUBEY, S/O. LATE SHRI CHINTAMANI DUBEY, AGED ABOUT 53 YEARS, R/O 11-D, SLICE-4, SCHEME-78, VIJAYNAGAR, INDORE, M.P. HEREBY CERTIFY THAT:

I HAVE NOT APPLIED TO ANY OTHER HIGH COURT FOR BEING DESIGNATED AS SENIOR ADVOCATE AND MY APPLICATION HAS NOT BEEN REJECTED BY THE HIGH COURT CONCERNED WITHIN A PERIOD OF TWO YEARS PRIOR TO THE DATE OF THIS APPLICATION.

PLACE: INDORE

DATE: 14.04.2024



V. N. DUBEY
ADVOCATE

V. N. DUBEY

ADVOCATE
F.C.S., LL.B.
Insolvency Professional



Phone: +91 (731) 4947938
+91 (731) 3556063
+91 (731) 3558089
Mobile: +91 982 6398848
Email: vndubeyoffice@gmail.com

To,
The Registrar (Administration)
Secretary of Permanent Committee
For designation of senior advocates

30th July 2021

Subject: Application for designation as a senior advocate

Dear Sir,

With immense pleasure, I hereby submit my application for designation as a senior advocate to the office of your goodself.

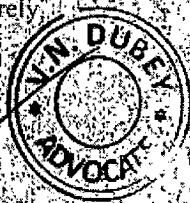
Following documents are being annexed by me:

1. Proforma of particulars of application for designation as a senior advocate under Rule 13 of High Court of Madhya Pradesh (Designation of Senior Advocate) Rules, 2018.
2. Profile
3. Copy of enrolment certificate issued by State Bar Council of Madhya Pradesh
4. Copy of ITR Acknowledgments for Assessment Years 2020-21, 2019-20 and 2018-19.
5. Copy of Fellow Company Secretary Certificate from Institute of Company Secretaries of India.
6. Copy of Degree of Bachelor of Laws from University of Calcutta.
7. Copy of Certificate of Insolvency Professional Registration from Insolvency and Bankruptcy Board of India
8. Copy of Aadhar Card
9. Copy of PAN Card
10. Certificate under Rule 8 of the High Court of Madhya Pradesh (Designation of Senior Advocate) Rules, 2018.

Awaiting your kind consideration and response.

Yours Sincerely,


V.N. Dubey
Advocate



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Office:
302, Man Heritage
Opp. High Court, South Tukoganj,
Indore, Madhya Pradesh, India

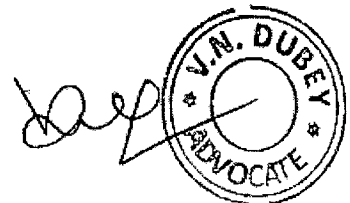
RES. H. P. (P. R. - 10)

Residence:
"Shree Shubhari", P1-D, Slice No. 4,
Scheme No. 78, Vijay Nagar,
Indore, Madhya Pradesh, India

HIGH COURT OF MADHYA PRADESH (DESIGNATION OF SENIOR
ADVOCATE RULES, 2018
PROFORMA OF PARTICULARS
(UNDER RULE 13)



- (1) **Name:** Vashistha Narayan Dubey
- (2) **Qualification:**
- Bachelor of Law from University of Calcutta
 - Fellow Company Secretary from Institute of Company Secretaries of India
 - Insolvency Professional at Insolvency & Bankruptcy Board of India
- (3) **Date of Birth:** 02/08/1967
- (4) **Permanent Address:** "Shree Shubham", 11-D, Slice-4, Scheme No. 78, Vijay Nagar, Indore, Madhya Pradesh.
- (5) **Address to which communications are to be sent:** 302, Man Heritage, South Tukoganj, Opposite Gate No. 3, High Court, Indore, Madhya Pradesh.
- (6) **Name of Bar Council and Date of enrolment as an advocate:** State Bar Council of Madhya Pradesh, Date: 29/07/2007.
- (7) **Number in the roll of advocates maintained by the State Bar Council:** MP/1179/2007. T/C
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- (8) **Whether he/she is/was a member of any association of lawyers? If so the details:**



- High Court Bar Association Indore,
- Indore Bar Association,
- NCLT Practitioners Association of Indore,
- Tax Practitioners Association Indore,
- Chamber of Tax Consultants, Mumbai,
- Indian Lawyers Association (President Indore Chapter)
- Institute of Company Secretaries of India,
- ICSI Insolvency Professional Agency,
- All India Federation of Tax Practitioners,
- Global Intellectual Property Convention

(9) Number of years, name of place and Court(s) where practiced:

- Since 14 years practicing as an Advocate in Indore.
- After having about two-decade exposure (from 1990) with major corporate of handling various corporate, legal and tax matters, enrolled with Madhya Pradesh State Bar Council in the year 2007 and started practicing as an advocate at Indore.
- Apart from my regular practice before MP High Court Indore Bench, I regularly appear before Supreme Court, different High Courts, benches of National Company Law Tribunals, benches of National Company Law Appellate Tribunal, benches of Income Tax Appellate Tribunal, Commercial Courts and other Courts/Tribunals across the country. Further, I am also providing consultancy, advisory and litigation services to various central government departments, state government departments, PSUs, banks and corporates.

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(10) Specialization in any field of law such as Constitutional Law, Civil Law, Criminal Law, Service/Labour Law, Arbitration Law, Corporate Law,




Family Law, Human Rights, Public Interest Litigation, International Law, Law relating to Women, Inter-state Water Disputes etc. If so, details:

- Corporate Law, Income Tax, GST, Customs, Excise, Commercial Laws, Constitutional Law, Economic Laws, Arbitration, Property Law, Banking Law and Intellectual Property Law.
- Provided various litigation/advisory/consultancy services to major public sector banks (SBI, UBI, UCO, BOI, etc.). As a corporate lawyer also handling advisory and litigation matters of Insolvency & Bankruptcy/corporate laws and also handling various mergers and corporate restructuring. As a Senior Standing Counsel of the Income Tax Department handled and as Senior Standing Counsel of Central Board of Indirect Taxes & Customs handling important matters of the Central Government before Madhya Pradesh High Court.


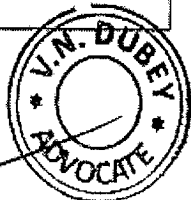
(11) Whether a junior to any lawyer(s) at present? If so, the details:

No

(12) Whether any junior lawyer is practising with him? If so, names of such lawyers and the period:

| S. No | Name | Qualification | Experience in Years | Type of Association |
|-------|------------|--|---------------------|---------------------|
| 1. | Amit Dubey | LL.B. (Hons.) IIT Kharagpur, Bachelor of Technology, Registered Patent Agent under Patents Act, 1970 | 3 | Junior Lawyer |

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| | | | | |
|-----|-----------------------|--|---|---------------|
| 2. | Rohit Dubey | BA LL.B. (Hons.), Company Secretary, Independent Director, Certified Mediator & Negotiator | 2 | Junior Lawyer |
| 3. | Preeti Dubey | LL.B. (Hons.), Bachelor of Engineering | 2 | Junior Lawyer |
| 4. | Ibrahim Kannodwala | B Com. LL.B. (Hons.), LLM (Business Law) | 1 | Junior Lawyer |
| 5. | Chetan Agrawal | BA LL.B. (Hons.) | 1 | Junior Lawyer |
| 6. | Niti Joshi | LL.B. (Hons.), B Com, SQCS | 1 | Junior Lawyer |
| 7. | Aakash Sharma | BA LL.B. (Hons.) | 1 | Junior Lawyer |
| 8. | Yash Hegde | B. COM, LL.B., SQCS | 1 | Junior Lawyer |
| 9. | Alam Khan | Practicing Company Secretary, B Sc., Independent Director | 7 | Associate |
| 10. | Madhav Tulsiyan | Practicing Chartered Accountant, B Com., DISA, Registered Valuer (Financial Asset) | 8 | Associate |

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(13) Whether he/she is an assessee under the Income Tax Act in respect of professional income? If so, details of income assessed for the last three years accompanied by a copy of the Permanent Account Number Card:

PAN: ABKPD5050C




- Audited Income for AY 2020-2021: Rs. 30,89,660/-
- Audited Income for AY 2019-2020: Rs. 24,62,418/-
- Income for AY 2018-2019: Rs. 25,87,877/-

Copy of ITR Acknowledgement and PAN Card Annexed.

(14) Whether he/she is/was in the panel of the State or Central Government or whether holds any office under the State or Central Government?

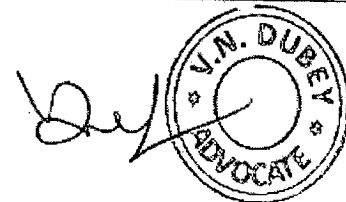
- Senior Standing Counsel at M. P. High Court for Central Board of Indirect Taxes and Customs, Government of India (2020 to till date).
- Senior Standing Counsel at M. P. High Court for Central Board of Direct Taxes, Government of India (2017 to 2021).

(15) (a) Reference to any important matter in which appeared:

The Important matters in which I appeared are briefly described hereunder:

| S. No | Case No. | Court | Remarks |
|-------|---|------------------|--|
| 1. | Civil Appeal No. 2931/2020 | Supreme Court | Matter dealt with the issue that whether after passing of CIRP initiation order by NCLT of a company, the CIRP can be closed merely on the ground of settlement between the applicant under section 9 and the company, even it tantamount to closure of CIRP dealing with all creditors. |
| 2. | SLP(C) 706/2019 SLP (C) 1437/2015 | Supreme Court | Matter dealing with constitutional issue of treating "Rectified Spirit" as excisable goods/liquor manufactured |

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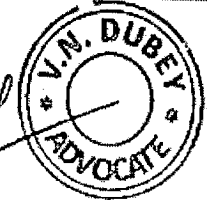
| | | | |
|----|---|------------------|---|
| | Diary No. 15087/2017 | | under the state government licence under MP Excise Act. |
| 3. | SLP(C) 801/2020 SLP(C) 30428/2018 CA 1701/2019 CONMT PET. C. 1143/2019 SLP 9138- 9139/2017 | Supreme Court | Matter relating to Article 14 in issue of licences, it also dealt with issue of Res- Judicata in writ matters including of Article 14. |
| 4. | SLP(C) No. 7633/ 2008 | Supreme Court | Matter dealt with apportionment of indirect expenses relating to domestic manufacturing business with export trading activities under Section 80HHC of the Income Tax Act, 1961. |
| 5. | SLP(C) No. 006678 - 006679 / 2020 | Supreme Court | Constitutional issue dealing with issue of levy of penalty on excess transit wastage on transport for more than 1500 Km wherein transit wastage allowance is same for 500 Km and all transport above 500 Km. |
| | WP 8481/2020 (PIL) | MP High Court | Matter pertains to public interest litigation challenging constitutional validity of proviso to section 10A of the Insolvency & Bankruptcy Code, 2016. |

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[Handwritten Signature]
V.N. DUBEY
ADVOCATE

| | | | |
|----|--|------------------|---|
| 6. | Writ Appeal (PIL) No. 2509/2013 | MP High Court | Matter pertains to Public Interest Litigation alleging that the use of PET bottles is not only harmful for the environment but the goods stored therein becomes unfit for human consumption. PET bottles after use are thrown here and thereby not only harmful for the environment but also for the animals/cattles, who eventually eat it. |
| 7. | Writ Appeal 1446/2019 CONC 725/2019 WP 15908/2018 | MP High Court | Matter relating to Article 14 in issue of licences, it also dealt with issue of Res- Judicata in writ matters including of Article 14. |
| 8. | WP 12853/2021 | MP High Court | Matter relates to levy of property tax on constructed area under rules ultra vires relevant Act providing levy on built-up area. Also challenges constitutional validity of rules framed under MP Municipal Corporation Act. |
| 9. | OTA 2/2021 | MP High Court | Matter relates to issue that whether for refund process under section 54 CGST Act law applies as in force on the date of application or in force on the date of supply. |

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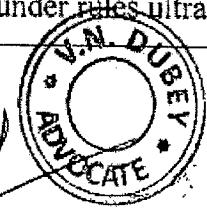
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| 10. | VATA 43/2020 VATA 14/2021 WP 14598/2020 | MP High Court | Matter relates to issue that when a classification entry is splitted into two entries, whether goods lying in original entry is to classified in resulting entries only. Also dealing with issue of treating "Rectified Spirit" as excisable goods/liquor manufactured under the state government licence under MP Excise Act. |
| 11. | VATA 6/2018 | MP High Court | Matter relates to the levy of Entry Tax on the goods purchased from different local areas districts. |
| 12. | WP 10047/2018 | MP High Court | Important matter dealing with allowances pertaining to service period claimed post retirement. |
| 13. | WP 7560/2016 WP 7555/2016 WP 6607/2015 WP 6604/2015 WP 6596/2015 WP 6388/2021 WP 6317/2017 WP 8455/2014 WP 8440/2014 WP 8405/2014 | MP High Court | Matter dealing with constitutional issue of treating "Rectified Spirit" as excisable goods/liquor manufactured under the state government licence under MP Excise Act. |

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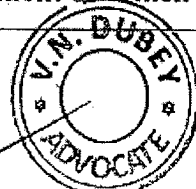


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| 14. | CONC 725/2019 | MP High Court | Matter relating to Article 14 in issue of licences, it also dealt with issue of Res-Judicata in writ matters including of Article 14. |
| 15. | COMP 9/2011 | MP High Court | Handled matter having corporate debt size of Rs. 3200 Cr representing all its lenders in various litigations. |
| 16. | MA 5639/2019 MA 5503/2019 | MP High Court | Matter relates to the issue of deciding on jurisdiction of a commercial dispute on first hearing before deciding on any further issue by Commercial Court including of arbitration reference or return of plaint. |
| 17. | MA 4050/2018 | MP High Court | Important case dealing with jurisdiction issue in a commercial matter. |
| 18. | WP 20329/2018 | MP High Court | Matter relating to declaration of wilful defaulter and deciding on issue of test of declaring a defaulter as wilful defaulter. |
| 19. | WP 19121/2020 WP 19219/2020 WP 3902/2021 WP 7051/2020 | MP High Court | Matter relates to the issue whether Government is required to expressly provide for not allowance of any offence. Any offence under Excise Act or any other law, whether require prior non-allowance order. |
| 20. | WP 13751/2018 | MP High Court | Matter relates to levy of property tax on constructed area under rules ultra |

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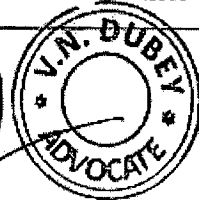
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| | | | vires relevant Act providing levy on built-up area. |
| 21. | WP 5870/2016 | MP High Court | Matter relates to restoration of arbitral proceedings post passing of arbitral award by the arbitrator on the basis of application of one of the party. |
| 22. | WP 5179/2020 WP 5169/2020 WP 5164/2020 WP 5084/2020 WP 5073/2020 | MP High Court | Matter relates to refund of TDS in the absence of return filed within prescribed time. |
| 23. | WP 3683/2021 | MP High Court | Matter relates to issue of levy of GST on services for supply of electricity such as meter related can be said to be taxes on supply of electricity. |
| 24. | WP 3133/2021 WP 3130/2021 | MP High Court | Matter relates to issue relating to sabka vishwas legacy dispute resolution scheme. |
| 25. | ITA 142/2019 ITA 141/2019 | MP High Court | Matter relates to addition of income based on transaction notes seized during search operation. |
| 26. | ITA 01/2020 | MP High Court | Matter relates to scrutiny assessment completion without referring the matter to the TPO u/s 92 CA of the Income Tax Act. |
| 27. | ITA 137/2019 ITA 136/2019 | MP High Court | Matter relates to addition of income on account of interest on funds transferred and claimed as investment on which no |

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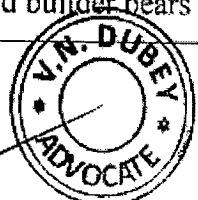

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| | | | benefit is derived, (after allowing unabsorbed business loss, carry forward business loss & carry forward unabsorbed depreciation for previous different A. Ys.) |
| 28. | ITA 135/2019 | MP High Court | Matter relates to allowing deduction u/s 10A without setting off of losses of earlier years pertaining to non-eligible units. |
| 29. | ITA 133/2019 | MP High Court | Matter relates to addition on account of unexplained investment u/s 69, and disallowance u/s 40A. |
| 30. | ITA 132/2019 | MP High Court | Matter relates to Section 92CA (3) of the Income Tax Act 1961 in respect of addition on account of software services and on account of cost allocation, determination of arm's length price in relation to the international transactions. |
| 31. | ITA 120/2019 | MP High Court | Matter relates to disallowance made by the A.O. not in conformity with the Rule 8D of the Income Tax Rules, on account of certain disallowances u/s 14A and disallowance on account of diversion of interest bearing funds for advancing the same without interest (i.e. utilization of fund for other than |

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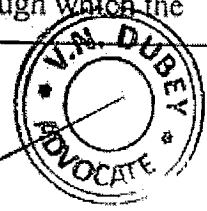
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| | | | business purposes) thereby escapeing from the assessment. |
| 32. | ITA 118/2019 | MP High Court | Matter relates to addition on account of supressed profit, addition on unaccounted sales, undisclosed investment. |
| 33. | ITA 117/2019 | MP High Court | Matter relates to unexplained cash credit u/s 68 of the Act in respect of credit entries in the form of trade advances. |
| 34. | ITA 115/2019 | MP High Court | Matter relates to unexplained cash credit u/s 68 of the Act in respect of credit entries in the form of trade advances. |
| 35. | ITA 114/2019 | MP High Court | Matter relates to unexplained cash credit u/s 68 of the Act in respect of credit entries in the form of trade advances. |
| 36. | ITA 89/2019 ITA 88/2019 | MP High Court | Matter relates to addition on account of purchases from unknown parties and from unexplained sources under section 69 of the Income Tax Act. |
| 37. | ITA 87/2019 ITA 86/2019 | MP High Court | Matter relates to issue whether in case of a Joint development Agreement between the landlord and the builder, where owner contributes his share of land for development and builder bears |

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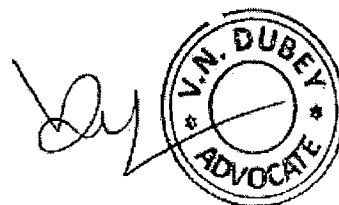
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| | | | the cost of development and both sharing a specific percentage of revenue from sale of developed property, two different method of revenue recognition is at all permitted one for the builder who is claiming the revenue expenditure by crediting the account of the landlord and at same time the landlord is debiting the account of the builder in that respect by accepting the Percentage Completion Method but not crediting the same in its Profit & Loss Account to differ the same till the Execution of sale seed. |
| 38. | ITA 71/2019 ITA 69/2019 ITA 63/2019 | MP High Court | Matter relates to penalty under section 271(1)(c) on the basis of notice without specifying charge. |
| 39. | ITA 54/2019 | MP High Court | Matter relates to treating a income to be business income or capital gain when the same is generated during regular course. |
| 40. | ITA 14/2019 | MP High Court | Matter relates to genuineness of the unsecured loan & infusion of partner's capital. |
| 41. | ITA 15/2019 ITA 13/2019 | MP High Court | Matter relates submitting undisclosed income to be out of business activity without specifying and substantiating the manner through which the |

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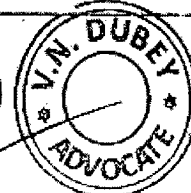
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| | | | undisclosed income was earned u/s 271AAA(2) of the Act. |
| 42. | ITA 172/2018 | MP High Court | Matter relates to taxation of income cooperative societies. |
| 43. | ITA 163/2018 | MP High Court | Matter relates to levy of penalty on concealment of income added under the issue of bad debts. |
| 44. | ITA 144/2018 | MP High Court | Matter relates to disallowance under section 14A of the Income Tax Act, 1961. |
| 45. | ITA 133/2018 | MP High Court | Matter relates to the issue where huge funds were diverted towards the non-business purpose for investment which is exempted under section 10 of the Income Tax Act, and issue as to applicability of section 14A when the assessee claims that no expenses are incurred for earning exempted income. |
| 46. | ITA 115/2018 ITA 114/2018 ITA 113/2018 ITA 112/2018 ITA 111/2018 ITA 110/2018 | MP High Court | Matter relates to the issue of receiving unsecured loan and allegation to be bogus share application money and premium in the form of accommodation entires and the some share capital with exorbitant premium against payment of unaccounted cash which was inter-alia routed back as share capital and share premium. |

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| 47. | ITA 90/2018 | MP High Court | Matter relates to section 68 of the Income Tax Act requiring proving the identity, creditworthiness and genuineness of transactions. |
| 48. | ITA 44/2018 | MP High Court | Matter relates to issue of share capital amount treated as unexplained cash credit U/s 68 of the Income Tax Act. |
| 49. | ITA 40/2018 | MP High Court | Matter relates to proving identity, credit worthiness and genuineness for the matters under section 68 of the Income Tax Act, 1961. |
| 50. | ITA 39/2018 | MP High Court | Matter relates to initiation of block assessment proceedings u/s 158BD of the Income Tax Act, 1961. |
| 51. | ITA 38/2018 | MP High Court | Matter relates to proving identity, credit worthiness and genuineness for the matters under section 68 of the Income Tax Act, 1961. |
| 52. | ITA 3/2018 | MP High Court | Matter relates to TDS on allowances to employees in Income Tax Act, 1961. |
| 53. | ITA 21/2016 ITA 20/2016 ITA 19/2016 ITA 18/2016 ITA 17/2019 ITA 04/2019 ITA 03/2019 ITA 06/2019 | MP High Court | Matter relates to issue of bad debts in Income Tax Act, 1961. |

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| | ITA 07/2019 ITA 09/2019 ITA 11/2019 | | |
| 54. | ITA NO. 11/2020 | MP High Court | Matter relates to completion of assessment without referring the matter to transfer pricing officer under section 92 CA of the Income Tax Act. |
| 55. | ITA NO. 33/2020 | MP High Court | Matter relates to issue of initiation of reassessment proceeding based on DDIT investigation. |
| 56. | ITA NO. 01/2021 | MP High Court | Matter relates to provision for gratuity and leave encashment made over and above the accrued liability for gratuity and leave encashment as ascertained through actuarial valuation report of LIC of India. |
| 57. | ITA NO. 29/2020 | MP High Court | Matter relates to section 10AA providing for receipts/turnover eligible for deduction, and income arose on account of gain of foreign currency fluctuations can be treated as "export turnover". |
| 58. | ITA NO. 30/2020 | MP High Court | Matter relates to deduction under Section 80IB(10) and allowance on a prorata basis. |
| 59. | ITA NO. 32/2020 | MP High Court | Matter relates to exemption of the receipts of the insurance policy falling under "keyman insurance policy" |


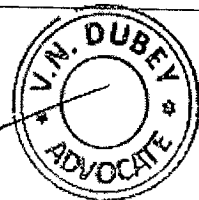
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| | | | section 10 (10D) of the Income Tax Act. |
| 60. | ITA NO. 31/2020 | MP High Court | Matter relates to exemption of the receipts of the insurance policy falling under "keyman insurance policy" section 10 (10D) of the Income Tax Act. |
| 61. | CA(CAA) 1680/230- 232/MB/2018 | NCLT Mumbai | Important Merger of 6 companies wherein transferee company was a NBFC. |
| 62. | IA 434/2019 in TP 37/2019 CP 64/2019 | NCLT Indore at Ahmedabad | Oppression & Mismanagement matter, dealing with minority shareholders rights, and issue of personal guarantee of a director who is also minority shareholder. |
| 63. | IBA/1053/2019 | NCLT Chennai | For initiation of CIRP under IBC, dealing with issue of requirement of actual delivery document to substantiate invoice for supply of goods. |
| 64. | (MP) IA 169/2020 CP(IB) 9/2020 IA/47(MP)2021 CP(IB) 9/2020 | NCLT Indore at Ahmedabad | Providing appearances and full legal advisory/consultancy to committee of creditors (banks SBI, IOB, BOB, RBL, UBI, Axis Bank and other concerned financial institutions) and resolution professional in the matter of corporate insolvency resolution process of Ujjas Energy Limited under IBC. |

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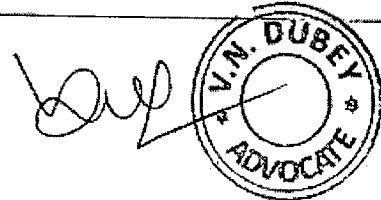
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| 65. | CA(AT)(INS) 661/2020 | NCLAT New Delhi | Matter dealt with the issue that whether after passing of CIRP initiation order by NCLT of a company, the CIRP can be closed merely on the ground of settlement between the applicant under section 9 and the company, even it tantamount to closure of CIRP dealing with all creditors. |
| 66. | CA(AT)(INS) 425/2018 | NCLAT New Delhi | Matter dealt with the issue that whether NCLT has power to waive the requirement of public notice for expression of interest (for resolution applicant) in the case when the COC has already selected and approved Resolution Applicant without complying with procedure of public invitation under IBC. |
| 67. | CA(AT)(INS) 06/2018 | NCLAT New Delhi | Matter dealt with issue that when the application for CIRP filed for default for supply for a particular year, whether dispute raised for supply in some different year can tantamount to rejection of application. |
| 68. | CP(IB) 2361/2019 | NCLT Mumbai | Matter dealt with the issue that whether after passing of CIRP initiation order by NCLT of a company, the CIRP can be closed merely on the ground of settlement between the applicant under |

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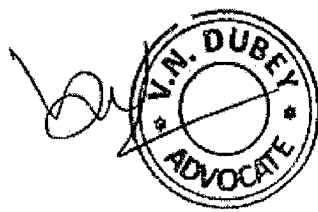
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| | | | section 9 and the company, even it tantamount to closure of CIRP dealing with all creditors. |
| 69. | CA(CAA) 93/2019 | NCLT Indore at Ahmedabad | Important Merger of 19 companies with single petition, wherein 14 were demerged and demerged part merged with transferee company, and 4 companies were completely merged with transferee company. |
| 70. | MA 88/2021 | NCLT Chennai | Matter dealt with the issue that whether NCLT is bound to pass speaking order in every application filed before it. Also dealt with the issue that whether Registrar can decide on applications filed under Section 420(2) of the Companies Act, 2013 without listing the same before the Bench. |
| 71. | CP(CAA) 1/2020 CA(CAA) 39/2019 | NCLT Indore at Ahmedabad | Important Reverse Merger, wherein holding company (also public company) was merged into its subsidiary company (private limited company). |
| 72. | CP(CAA) 4/2020 CA(CAA) 141/2018 | NCLT Indore at Ahmedabad | Important Merger of 4 companies, wherein one of the transferor was a public company merged into private limited company. |
| 73. | CP/616/IB/2017 NCLT | NCLT Chennai | Matter dealt with the issue that whether corporate debtor can treat the default of |

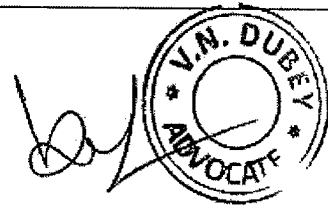


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| | MA/677/2018 NCLT MA/125/IB/2018 NCLT MA/61/IB/2018 NCLT | | payment for a particular year as withholding of payment on the ground of dispute pertaining to some different year. |
| 74. | COMP/1/2019 NCLT | NCLT Chennai | Matter dealt with the issue that whether NCLT can invoke contempt jurisdiction against Resolution Professional for concealing material facts. |
| 75. | CP/17/241- 242/NCLT/AHM/ 2019 NCLT | NCLT Indore at Ahmedabad | Oppression & Mismanagement matter, dealing with minority shareholders rights. |
| 76. | CP/IB/641/9/HD B/2019 IA/709/2018 IA/711/2018 CP/IB/313/9/HD B/2018 | NCLT Hyderabad | Matter dealt with the issue that whether CIRP cannot be initiated on the ground that the company debtor has delayed the payment to banks due to preferential payment to small and marginalised farmers and require certain time to clear dues of banks. |
| 77. | CP/IB/240/CHD/ HRY/2019 | NCLT Chandigarh | Matter dealt with the issue that whether application under section 7 can be filed by unsecured financial creditor having no written agreement towards such unsecured financial facilities. |

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| 78. | CA/321/252/3/ AHM/2018/NCL T | NCLT Indore at Ahmedabad | Matter relating to revival of company arbitrarily strike off by the Ministry of Corporate Affairs. |
| 79. | IA/141/CTP/2019 TP/122/CTB/201 9 | NCLT Cuttack | Important matter dealing with issue of transfer of winding up matters from High Court to NCLT. |
| 80. | CP/IB/331/9/HD B/2018 CP/IB/351/9/HD B/2018 CA/552/2018 CA/553/2018 | NCLT Hyderabad NCLAT New Delhi | Important IBC matter, wherein company debtor challenged CIRP order of NCLT before NCLAT and respondent (applicant under section 9) during pendency of appeal settled the matter before Appellate Tribunal and prayed for setting aside of CIRP order. The issue aroused that whether a creditor other than applicant can defend the CIRP order before NCLAT even not being party before NCLT. |
| 81. | MA/IB/521/KB/2 019 MA/IB/542/KB/2 019 CP/IB/387/KB/20 17 | NCLT Kolkata | Important matter dealing with issue that after the approval of Resolution Plan/Resolution Applicant whether Resolution Professional is bound to admit claims towards essential supply made during CIRP. |
| 82. | CP/IB/538/KB/20 18 | NCLT Kolkata | Important matter dealing with issue of transfer of winding up matters from High Court to NCLT. |



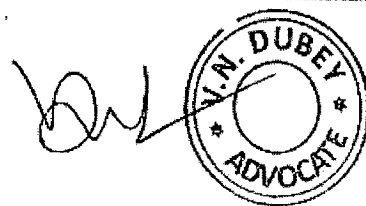
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| 83. | CP/IB/603/KB/20 17 | NCLT Kolkata | Matter for initiation of Insolvency of a large defaulter holding debt of 600 Crs (Approx). |
| 84. | CP/IB/128/MB/2 018 | NCLT Mumbai | Matter for initiation of Insolvency of a large defaulter holding debt of 200 Crs (Approx). Represented the lead creditor |
| 85. | (MP) CP(IB) 55/2020 | NCLT Indore at Ahmedabad | Important legal issues relating to default by director in personal capacity actions against Company, doctrine of separate legal entity. |
| 86. | IA 156/2020 in TP 37/2019 in CP 64/2019 | NCLT Indore at Ahmedabad | Legal issue of investigation into the affairs of the company for fraud affecting stakeholder at large. |
| 87. | IA 29/2019 in C.P. (IB) No. 29/NCLT/AHM/2 018 | NCLT Indore at Ahmedabad | Matter relates to issue that whether proceedings pertaining to provident fund can be undertaken during moratorium under section 14 of the IBC. |
| 88. | CP (IB)/1976(KB)20 19 | NCLT Kolkata | Legal issue of dispute against debt in initiation insolvency of company |
| 89. | TP/MP/218/2019 CP 55/2019 | NCLT Indore at Ahmedabad | Legal issue of oppression and mismanagement or tussle between family members as shareholders |
| 90. | (MP) CP 11/2020 | NCLT Indore at Ahmedabad | Legal issue of right to file application for oppression and mismanagement when the entitlement to shares is itself illegal. |

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| 98. | CP/722/IB/2018 NCLT | NCLT Chennai | Matter for initiation of Insolvency of a large defaulter holding debt of 150 Crs (Approx). Represented the lead creditor |
| 99. | IA/8/2019 IN CP/IB/67/2018 | NCLT Indore at Ahmedabad | Important legal issue of preferential transactions to defraud the creditors done just before the initiation of CIRP the corporate debtor. |
| 100. | ST/50145/2019 | CESTAT Delhi | Matter relates to levy of service tax in respect of manufacturing and sale of goods bearing brands of other parties on retention of fixed margin and payment of variable surplus to brand owners. |
| 101. | ST/214/2007 ST/176/2007 ST/99/2007 | CESTAT Delhi | Matter relates to levy of service tax on packaging of products for its own sales. |
| 102. | A-566-11 A-594-12 | MP Commercial Tax Appellate Board | Matter dealing with constitutional issue of levy of VAT on "Rectified Spirit" manufactured under the licence under MP Excise Act. |
| 103. | SA 5262/2016 SA 5263/2016 | Settlement Commission Indirect Taxes New Delhi | Matter relates to availment of CENVAT credit on capital goods in respect of non-taxable goods. |
| 104. | ITA No. 749/Kol/2014 | ITAT, Kolkata | Matter relates to levy of penalty under section 271(1)(c) of the Income Tax Act, 1961 in respect of addition of income under the normal computation |


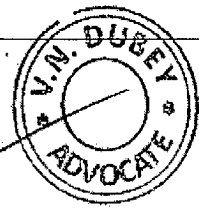



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| | | | still lower than the book profit/ MAT taxation. |
| 105. | COMIP NO.174 OF 2019 | Bombay High Court | Important intellectual property matter. |
| 106. | COMIP NO. 473 OF 2019 | Bombay High Court | Important intellectual property matter. |
| 107. | CS(COMM) 102/2020 | Delhi High Court | Important intellectual property matter. |
| 108. | CS(COMM)/305/ 2019 | Delhi High Court | Important commercial matter. |
| 109. | WP/9899/2017 WP/9900/2017 | Delhi High Court | Matter pertaining to remuneration to directors and restraintment by Ministry of Corporate Affairs. |

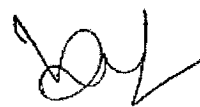
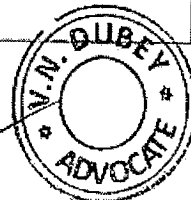

(b) Reported judgments in which the concerned Advocate(s) had appeared in last five years.

The reported judgements in which I had appeared in last five years are as under:

| S. No. | Citation | Court/Tribunal |
|--------|---|--|
| 1. | MANU/MP/1407/2020 2020(83)PTC215(MP) | High Court Of Madhya Pradesh (Indore Bench) |
| 2. | MANU/MP/0688/2017 | Madhya Pradesh (Indore Bench) |
| 3. | MANU/MP/0846/2018 2019(2)MPLJ51 | Madhya Pradesh (Gwalior Bench) |
| 4. | MANU/MP/0611/2018 (2019)307CTR(MP)19 | Madhya Pradesh (Indore Bench) |

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| | [2018]408ITR561(MP) | |
| 5. | MANU/MP/0708/2018 | Madhya Pradesh (Indore Bench) |
| 6. | MANU/MP/1084/2019 [2019]267TAXMAN618(MP) | High Court Of Madhya Pradesh (Indore Bench) |
| 7. | MANU/MP/1484/2019 | High Court Of Madhya Pradesh (Gwalior Bench) |
| 8. | MANU/SCOR/35352/2020 | Supreme Court of India |
| 9. | MANU/SCOR/35610/2020 | Supreme Court of India |
| 10. | MANU/SCOR/31220/2015 | Supreme Court of India |
| 11. | MANU/SCOR/27464/2017 | Supreme Court of India |
| 12. | MANU/SCOR/80676/2019 | Supreme Court of India |
| 13. | MANU/SCOR/80198/2019 | Supreme Court of India |
| 14. | MANU/SCOR/05990/2019 | Supreme Court of India |
| 15. | MANU/SCOR/81522/2019 | Supreme Court of India |
| 16. | MANU/SC/0214/2019 2019(3)SCALE556 (2020)12SCC690 | Supreme Court of India |
| 17. | MANU/SCOR/73531/2019 | Supreme Court of India |
| 18. | MANU/SCOR/48347/2019 | Supreme Court of India |
| 19. | MANU/SCOR/06563/2020 | Supreme Court of India |
| 20. | MANU/SCOR/10210/2020 | Supreme Court of India |
| 21. | MANU/AR/0119/2018 (2018) 69 GST 210 (AAR) 2018[14] G.S.T.L. 546 [2019]67GSTR83(AAR) | Advance Rulings (Goods And Service Tax) Karnataka |
| 22. | MANU/IK/0172/2017 | ITAT, Kolkata |
| 23. | MANU/NC/2999/2017 | National Company Law Tribunal Chennai Bench |

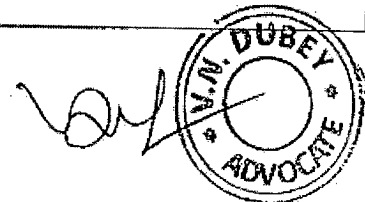


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| 24. | MANU/NC/1956/2017 | National Company Law Tribunal Chennai Bench |
| 25. | MANU/NC/0182/2018 | National Company Law Tribunal Chennai Bench |
| 26. | MANU/NC/0700/2018 | National Company Law Tribunal Chennai Bench |
| 27. | MANU/NC/8597/2018 | National Company Law Tribunal Chennai Bench |
| 28. | MANU/NC/8592/2018 | National Company Law Tribunal Chennai Bench |
| 29. | MANU/ND/4123/2018 | National Company Law Tribunal Chennai Bench |
| 30. | MANU/ND/2942/2018 | National Company Law Tribunal Ahmedabad Bench |
| 31. | MANU/NC/0457/2018 | National Company Law Tribunal Kolkata Bench |
| 32. | MANU/ND/9071/2019 | National Company Law Tribunal Ahmedabad Bench |
| 33. | MANU/NC/2282/2019 | National Company Law Tribunal Chandigarh Bench |
| 34. | MANU/ND/9903/2019 | National Company Law Tribunal Ahmedabad Bench |
| 35. | MANU/ND/4717/2019 | National Company Law Tribunal Ahmedabad Bench |
| 36. | MANU/ND/4734/2019 | National Company Law Tribunal Ahmedabad Bench |
| 37. | MANU/ND/4716/2019 | National Company Law Tribunal Ahmedabad Bench |

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| 38. | MANU/ND/4715/2019 | National Company Law Tribunal Ahmedabad Bench |
| 39. | MANU/ND/4714/2019 | National Company Law Tribunal Ahmedabad Bench |
| 40. | MANU/ND/4493/2019 | National Company Law Tribunal Ahmedabad Bench |
| 41. | MANU/ND/4492/2019 | National Company Law Tribunal Ahmedabad Bench |
| 42. | MANU/ND/4022/2019 | National Company Law Tribunal Ahmedabad Bench |
| 43. | MANU/ND/1053/2019 | National Company Law Tribunal Ahmedabad Bench |
| 44. | MANU/ND/1780/2019 | National Company Law Tribunal Mumbai Bench |
| 45. | MANU/NC/7656/2019 | National Company Law Tribunal Cuttack Bench |
| 46. | MANU/ND/1932/2019 | National Company Law Tribunal Chennai Bench |
| 47. | MANU/ND/1931/2019 | National Company Law Tribunal Chennai Bench |
| 48. | MANU/ND/2366/2019 | National Company Law Tribunal Chennai Bench |
| 49. | MANU/NC/7657/2019 | National Company Law Tribunal Cuttack Bench |
| 50. | MANU/NL/0490/2019 | National Company Law Appellate Tribunal, New Delhi |
| 51. | MANU/NC/5916/2020 | National Company Law Tribunal Indore Bench |



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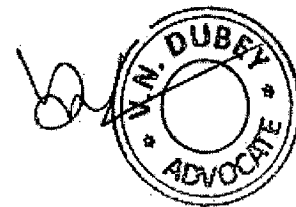
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| 52. | MANU/ND/7676/2020 | National Company Law Tribunal Ahmedabad Bench |
| 53. | MANU/ND/7674/2020 | National Company Law Tribunal Ahmedabad Bench |
| 54. | MANU/NC/9517/2020 | National Company Law Tribunal Mumbai Bench |
| 55. | MANU/NC/0792/2021 | National Company Law Tribunal Chennai Bench |
| 56. | MANU/NL/0092/2021 | National Company Law Appellate Tribunal, New Delhi |
| 57. | MANU/NC/0887/2021 | National Company Law Tribunal Ahmedabad Bench |

(16) Whether he/she has written any book on law or made any contribution to a law publication or journal? If so, the details.

Author of following articles:

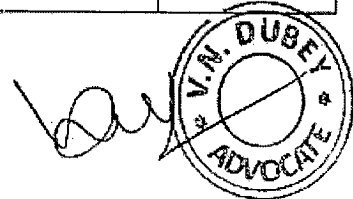
- Article on "*specified domestic transactions: retrospective operability of omission of clause (i) to section 92 BA (1)*" Published in June, 2020 edition of the Bombay Chartered Accountants Journal (BCAJ) at page 19.
- "*The Applicability Of A High Court's Decision Outside Its Jurisdiction*" in [2021] 128 taxmann.com 387 (Article)

(17) Whether he/she attended or participated in any seminar/conference relating to law?

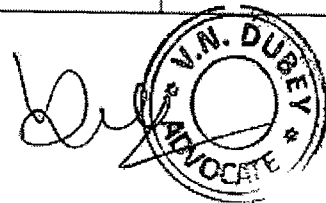


**LIST OF EVENTS IN WHICH INVITED AS CHIEF
GUEST/SPEAKER/PANELIST**

| S No. | Events | Organiser | Invited as | Date |
|-------|--|--|--------------------------------|------------|
| 1. | National Panel Discussion on How taxes can be used to make India a first world nation. | Indian Lawyers Association | Chief Panelist | 24.07.2021 |
| 2. | Conference on decisions taken in 43 rd GST Council Meeting. | National Academy of Customs, Indirect Tax and Narcotics (NACIN) Bhopal | Special Invitee | 13.07.2021 |
| 3. | Padma Shri Dr. NN Jain II National Debate Competition 2021. Alongwith Justice VK Shukla (former Chief Justice Allahabad High Court). | Prestige Institute of Management and Research | Guest of Honour in valedictory | 20.06.2021 |
| 4. | Panel discussion on Changing paradigm of corporate and commercial law. Alongwith C. Ramchandrarao (GM-Insolvency and Bankruptcy Board of India). | Jagran Lakecity University | Guest of Honour | 19.06.2021 |
| 5. | Induction training of Inspectors of Central | National Academy of | Guest Faculty | 21.05.2021 |



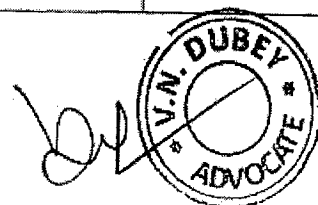
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| | Excise and CGST Bhopal Zone | Customs, Indirect Tax and Narcotics (NACIN) Bhopal | | |
| 6. | National Contract Drafting Competition 2021 | Christ University Bangalore | Head Evaluator for finalists | 05.03.2021 |
| 7. | Panel Discussion on decoding the direct tax implications of finance bill 2021. Alongwith Mr. Ajay Singh, former president Chamber of Tax Consultants | JMVD Legal and Indian Lawyers Association | Chief Panelist | 07.02.2021 |
| 8. | Panel Discussion on JDA-Issues under GST. | JMVD Legal, Indian Lawyers Association and CREDAI | Chief Panelist | 23.01.2021 |
| 9. | Panel Discussion on Interplay of IBC with law of limitation. Alongwith Mr. Madhukar Umarji (former Executive Director RBI, member of IBC & SARFAESI drafting committee) | JMVD Legal, IBC Laws, IBC Law Reporter | Chief Panelist | 29.08.2020 |
| 10. | National Article Drafting Competition | Jagran Lakecity University | Head Evaluator for finalists | 01.07.2020 |



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| 11. | National Webinar on Exploring The Consitutiveness Of The Words 'Oppression' And 'Mismanagement' (The Corporate Family Dispute Before NCLT) - In Context Of Chapter Xvi Of The Companies Act, 2013 | JMVD Legal | Chief Invitee/Speaker | 28.05.2020 |
| 12. | Seminar on Valuation and Indemnity | Institution of Valuers Indore | Chief Invitee/Speaker | 25.08.2019 |
| 13. | One-day certificate program in the domain of Insolvency and Bankruptcy Code, 2016 (IBC) | Jagran Lakecity University, Bhopal | Chief Invitee/Speaker | 19.10.2019 |
| 14. | Changing paradigm of corporate laws | ICSI Indore Chapter | Chief Invitee/Speaker | 19.04.2018 |
| 15. | Seminar on Business Succession Planning | Tax Practitioners Association, Income Tax Office, Indore | Chief Invitee/Speaker | 03.03.2018 |
| CONFERENCES/SEMINARS/WEBINARS/REFRESHER COURSES | | | | |
| | A regular attendee of seminars/webinars/refresh er courses. | • Institute of Company Secretaries of India | Participant/ Invitee/ Attendee | |



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|---|--|--|
| <p>I have attended more than 200 Conferences/Seminars/Webinars/Refresher Courses in past 5 years.</p> | <ul style="list-style-type: none"> • Institute of Chartered Accountants of India • Insolvency and Bankruptcy Board of India • ICSI Insolvency Professional Agency • ICAI Insolvency Professional Agency • ICAI Insolvency Professional Agency • Chamber of Tax Consultants • All India Federation of Tax Practitioners • Bombay Chartered Accountants Society • Tax Practitioners Association, Indore • Association of Industries Madhya Pradesh • Indore Management Association • Federation of Indian Chambers of Commerce and Industry • Global Intellectual Property Convention | |
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| | | <ul style="list-style-type: none"> • Confederation of Indian Industries • ASSOCHAM • Indian Merchant Chambers Mumbai | |
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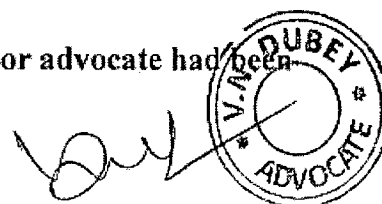
(18) Whether he/she is/was connected with any faculty of Law?

Delivered guest lectures at:

1. National Academy of Customs, Indirect Taxes & Narcotics, Bhopal
2. Indian Institute of Technology, Kharagpur
3. Indian Institute of Corporate Affairs, Manesar
4. National Law University Odisha
5. Ram Manohar Lohia National Law University, Lucknow
6. Maharashtra National Law University
7. Christ University Bangalore
8. Narsee Monjee Institute of Management Sciences
9. Jagran Lakecity University, Bhopal
10. UPES Dehradun
11. Indore Institute of Law
12. International Institute of Professional Studies, Devi Ahilya Vishva Vidyalaya (DAVV)
13. Prestige Institute of Management & Research
14. Asia Law College, Noida
15. Bharati Vidya Peeth, Pune
16. Law Internships

(19) Whether any application for designation as senior advocate had been

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made in the past to the High Court of Madhya Pradesh or Court? If so, when and with what result?

No application made earlier.

(20) Whether ordinarily practising within the jurisdiction of the High Court of Madhya Pradesh?

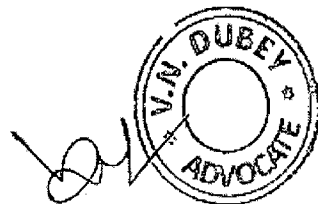
Yes

(21) Whether he/she has ever been personally involved in any civil or criminal litigation or contempt proceedings or any disciplinary proceedings against him by the Bar Council? If so the details thereof?

No

(22) Details of participation in pro-bono work

- In probono, raised concerns of various investors of Sahara Housing Bonds before SEBI, whose name was not included in the list of investors submitted by SEBI before the Hon'ble Supreme Court of India, due to claim filing beyond last date. The matter is being considered by SEBI.
- Looking to the concerns of the public at large due to the suspension of the Insolvency and Bankruptcy Code, 2016, have filed a PIL (WP 8481/2020) at the MP High Court challenging the constitutional validity of the proviso to Section 10A brought by Insolvency and Bankruptcy (Second Amendment) Act, 2020.
- In probono, routinely I provide legal consultancy/advisory/advocate services to people of lower income group. This includes:
 - Drafting & vetting of agreements.
 - Due diligence of property documents and advising upon its title.
 - Preparation of legal notices.
 - Advising on routine legal matters.




- o Drafting of pleadings before the Lok Adalat, Consumer Forum, Civil Court, etc.

(23) Other information particulars, if any, including legal services and as

Legal aid counsel:

| <u>ADDITIONAL LIST OF MATTERS DEALT BY ME RELATING TO CORPORATE LAW (Especially involving debt/default of public sector banks)</u> | |
|--|-------------------------|
| Name | Debt Size in INR (App.) |
| RUCHI SOYA GROUP (Provided routine business advisory, consultancy and litigation services to promoters of the group). | 15000 Cr |
| ADVANTAGE OVERSEAS PVT. LTD. (Represented majority of its lenders in various litigations) | 10000 Cr |
| MAITHAN ISPAT LIMITED (Represented its creditors in recovery proceedings) | 5000 Cr |
| ZOOM DEVELOPERS PVT. LTD. (Represented all its lenders in various litigations) | 3200 Cr |
| BHATIA COAL GROUP (Provided advisory and litigation services to various lenders) | 3000 Cr |
| NCS SUGARS LIMITED (Represented its creditors in recovery proceedings) | 1500 Cr |
| DHANLAXMI SOLVEX PVT. LTD. (Provided legal advisory/consultancy services to its liquidator and its CoC) | 803 Cr |
| GAJRA GEARS GROUP (Provided legal advisory/consultancy services to its Insolvency Professional and its CoC) | 800 Cr |
| KALANI INDUSTRIES PVT. LTD. (Represented its creditors in recovery proceedings) | 800 Cr |
| SURYA TREASURE ISLAND PVT. LTD. (Represented its creditors in recovery proceedings) | 300 Cr |
| UJAAS ENERGY LTD. (Provided legal advisory/consultancy services to its Insolvency Professional and its CoC) | 250 Cr |
| NILSHIKHAA INFRAA PROJECTS LIMITED (Provided loan documentation and legal audit services to its lenders and routine business/legal advisor to the promoter group) | 200 Cr |
| INDIAN SOYA PVT. LTD. (Represented 2 Resolution Applicants including correspondences and submission of Resolution Plans) | 80 Cr |
| MIDEX GLOBAL PVT. LTD. (Representing SBI-Stressed Asset Management Branch in its various litigations) | 41 Cr |
| S&H GEAR PVT. LTD. | |

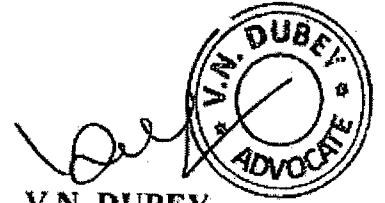
by  V.N. DUBEY
ADVOCATE

(Provided legal advisory/consultancy services to its Insolvency Professional and its CoC)

INFRASTRUCTURE USED BY ME FOR LEGAL SERVICES

| | Address | Area in Sq. Ft. | Seating Capacity |
|--------------------|--|-----------------|------------------|
| Office 1: | 302, Man Heritage, South Tukoganj, Indore (M.P.) Opposite High Court Gate No. 3 | 500 | 12 |
| Office 2: | 402, Asha Dilpasand Imperial, South Tukoganj, Indore (M.P.) Opposite High Court Gate No. 4 | 1200 | 25 |
| Residence chamber: | 11-d, Slice-4, Scheme-78, Vijaynagar, Indore (M.P.) | 300 | 5 |

Date: 30/07/2021



V.N. DUBEY
ADVOCATE

Mobile No. +91-9826398848

E-mail ID- vndubeyoffice@gmail.com

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