

# Drafting for Show cause notices and appeals – Appearance before authorities

# What is a show cause notice

- Are letters from the department show cause notice?
- Should we reply to such letters?
- How carefully should we read the show cause notice?

# Reply to show cause notice

- Is it essential to have a consultant? Is it necessary to litigate?
- How do we determine what is the subject matter of show cause notice?
- Who has issued the notice and whom is it answerable to?
- Is it issued within time limits?
- Should we put in all our defences? Should we rely on any case laws at all?

# Replies to show cause notice

- Are lengthy replies necessary or should we try to be brief?
- Is the usage of complicated language essential?
- Can we take arguments that are seemingly contradictory?
- Can we file more than one reply to the show cause notice?

# Appearances before authorities

- Is there any dress code for appearances?
- Is it necessary that we should carry our relevant files?
- Is it necessary to file additional written submissions at the time of hearing?
- Should we carry the relevant case laws and statutory material?
- Should we make elaborate submissions or simply submit documents and come out?

# Preparation of appeals

- What is an appeal?
- What are the hierarchies of authorities in appeal?
- Should we know the statutory provisions for appeals?
- Should the appeals be in the specified formats?
- Is there any fees for filing appeals?
- How do we draft appeals? Should we answer only those points raised in the adjudication order?

# Preparation of appeals

- Should the grounds be elaborate or concise?
- Should we rely on case laws? Are case laws of other statutes relevant?
- Is it necessary to prepare a stay application?
- How far has the cut and paste job spoilt our thinking?
- Are we allowed to raise new points in appeal?
- What is a cross objection? Can we raise new points in the same?

# Preparation of appeals

- Is there any dress code for appearance?
- How important is preparation?
- Are we allowed to file additional submissions at the time of hearing?
- Can we make elaborate submissions or should we try to impress only the important points?
- Is it necessary that we answer every question put by the Bench or we ignore the questions?
- Place of “tension” during appearances.



# Preparation of appeals

- Is it important to know the mood of the judges?
- How relevant is experience in appeal proceedings?
- What is the difference between appearing before Appellate Commissioners and Tribunals?
- When do we approach the High Court and Supreme Court? Can the Tribunal review its own order?

# Preparation of appeals

- Is there any difference in approach between Tribunals and the Courts in India?
- What is the precedent value of decisions of Tribunal, High Courts and Supreme Court?
- How costly is litigation in India?

# Thank you



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