

**NOTICE INVITING APPLICATIONS FOR EMPANELMENT OF ADVOCATES/LAW
FIRMS**

**REQUIREMENT OF ADVOCATES/LAW FIRMS FOR EMPANELMENT TO
REPRESENT NERAMAC BEFORE VARIOUS COURTS**

The **North Eastern Regional Agricultural Marketing Corporation Limited (NERAMAC)** was set up to support farmers/producers of North East getting remunerative prices for their produce and thereby bridge the gap between the farmers and the market and also to enhance the agricultural, procurement, processing and marketing infrastructure of the Northeastern Region of India. To fulfill its prime objectives, NERAMAC is offering helping hand in sourcing and procuring cash crops of the producers by intervening in the market and provide them remunerative prices. It also helps processing units by providing raw materials and arranging packaging materials. NERAMAC has a few retail outlets within the North East region which directly sell various processed and value added products produced locally in the region. Presently it is under the administrative control of the Ministry of Development of North Eastern Region (DoNER), Government of India, New Delhi.

NERAMAC intends to empanel Advocates/Law Firms **having offices in North Eastern States & Kolkata, New Delhi & Mumbai** for attending to the legal cases of NERAMAC before:

1. District Court/ Forums
2. High Courts/ Commissions
3. Tribunals/ National Commissions
4. Supreme Court of India.

The Law Firms and practicing Advocates registered with Bar Council of India/State Bar Councils are eligible for empanelment. The Essential Qualifications, Experience, Schedule of Fees, Other Terms and Conditions and the Application Format are prescribed below.

Eligible Law Firms and practicing advocates may send their applications in the format prescribed in *Annexure A* enclosed herewith along with supporting documents (scanned) for the field they interested to the *Email Id:* [hr.neramac@gmail.com/](mailto:hr.neramac@gmail.com) secretary.neramac@gmail.com . The hard copy of the application may be send to the official address:

North Eastern Regional Agricultural Marketing Corporation Ltd.
9 Rajbari Path, Ganeshguri
Guwahati-781005, Assam
Phone:+91 361 2341427

The last date of receiving Applications in the prescribed format is **21/02/2018**.

NOTE: Applying for empanelment at NERAMAC does not confer any right/assurance whatsoever that they will empanelled on the panel of NERAMAC. Letters to advocates/ Law Firms confirming their empanelment will be issued by NERAMAC separately.

GUIDELINES FOR EMPANELMENT OF ADVOCATES/LAW FIRMS

Following guidelines are to provide and regulate the manner and procedure for empanelling the advocates to represent and assist the NERAMAC before various courts and for regulating the referrals of the cases and payment of fee/remuneration payable to such persons. These guidelines shall supersede all existing instructions in this regard, if any.

DEFINITIONS

For the purposes of these Guidelines, the terms used will have the following:

- (i) 'Advocate' means an advocate, entered in any roll of advocates under the provisions of The Advocates Act, 1961.
- (ii) 'Competent Authority' shall be the Managing Director or any other officer so designated by the Managing Director.
- (iii) 'Court' shall mean all courts of law including District Courts all over India, any High Court, Supreme Court, Tribunals, Judicial Forums and Arbitrators etc.
- (iv) 'Effective Hearing' shall mean a hearing in which either one or both parties involved in a case are heard by the Courts / arguments were advanced by the Counsel of any of the parties, Examination-in-chief, cross examination is conducted, issues/charges has been framed and statement, Miscellaneous proceedings.
- (v) 'Non-effective Hearing' shall mean all hearings which are not covered in the above definition of effective hearing.
- (vi) 'Similar Cases' shall mean two or more cases in which identical or substantially similar questions of law or facts are involved

1) Eligibility of Empanelment

The Advocates/ Firms to be taken on panel should be capable of handling matters before District Court/Forums/Commissions/Tribunals/High Court and Supreme Court of India on the basis of criteria given below.

There would not be any court specific empanelment however, while referring cases to Advocates the following would be the criterion for such referrals. The empanelment request is being considered from individual lawyers or lawyers as part of the firm with at least 05 years experience for the tribunals and High Court while the Supreme Court would be considered for more than 08 years.

NOTE: Provided that the Competent Authority may relax the above conditions at its discretion, if otherwise found eligible in certain cases.

2) Tenure of Empanelment

The initial empanelment will be for two years or until further orders whichever is earlier. Performance of empanelled advocates shall be reviewed on annual basis. However, on completion of the term and satisfactory performance of the advocate, the empanelment may be renewed for a period of another two years by the NERAMAC. The NERAMAC reserves the right to terminate the empanelment of any advocate at any time without assigning any reason thereof.

3) General Terms and Conditions

- (i) The Advocates shall be engaged only in cases where NERAMAC is a necessary party.
- (ii) Proforma matters: where the NERAMAC is a proforma party in matters pending before any court, the same may be taken care of by the officers of the NERAMAC. However, the Advocates may be engaged if deemed necessary in exceptional cases by the Competent Authority.
- (iii) The advocate shall not necessarily be empanelled for any specific court and shall accept the work assigned to him for the courts for which he is basically designated on the basis of minimum eligibility conditions for such referrals and shall not refuse to accept any work without any reasonable cause.

- (iv) Refusal by any advocate to accept any work without any reasonable cause (e.g. on grounds of conflict of interest) may entail removal of such advocate from the panel.
- (v) The empanelled Advocates will not delegate cases and would themselves deal with the same. They may have to coordinate and work with designated Senior Advocates, if any, engaged in the case as well as with the officers of the NERAMAC, if required.
- (vi) The Advocates empanelled under these guidelines shall not be employees of NERAMAC for any purpose and therefore, shall not be eligible for any benefits available to its employees.
- (vii) The empanelled Advocate shall maintain absolute secrecy and confidentiality about the cases of the NERAMAC as required under the Act and rules/regulations framed there under.
- (viii) The advocates shall accept the terms and conditions of the empanelment as determined by the NERAMAC from time to time.
- (ix) These guidelines shall also be applicable to the designated Senior Advocates of the High Courts and Supreme Court for all purposes except the requirement of empanelment.
- (x) In case of empanelment of Law Firms, all the terms and conditions for empanelment of the individual Advocates shall apply *mutatis mutandis* to them.
- (xi) If required and considered appropriate by the Competent Authority, Attorney General of India/Solicitor-General of India/Additional Solicitor General/Advocate General/Designated Senior Advocates may be engaged to argue the cases on behalf of the NERAMAC keeping in view the urgency and importance of a particular matter. They shall be engaged on case to case basis with the approval of the Competent Authority. Engagement of Sr. Advocates etc and their fees for such cases may be approved and decided by the competent authority on the merits of each case.

4) Payment of Fee and Other Conditions

- (i) The fee payable to the Advocates shall be governed by the **Schedule** of fee annexed as **Annexure "C"** which is based on the basis of the fees of the Central Government Counsels notified by the Ministry of Law & Justice, Department of Legal Affairs, Judicial Section.
- (ii) The Competent Authority shall have the right in exceptional cases to approve the payment

of a higher fee than the fee mentioned in the annexed schedule keeping in view the importance of the matter and the labour and efforts put in by the advocate in a particular case. It shall also have the power to fix the fee for eventualities which have not been mentioned in the schedule till the appropriate amendment is made in this regard in the Fee Schedule by the NERAMAC.

- (iii) No retainer fee shall be paid to any panel Advocate/law firm merely because such advocate/firm has been empanelled.

5) Documents required to be submitted by the Advocate

The Advocates will be required to submit their Applications in the prescribed format as given in **Annexure-A**. The attested copies of the following documents are required to be submitted with application:

- (i) Certificates in support of educational qualifications
- (ii) Certificate of Registration with Bar Council of India

6) Communication of Empanelment

After a decision to empanel the advocate is taken, a communication in writing to this effect shall be sent to the shortlisted Advocates/Law Firms as per **Annexure-B** with acknowledgement and acceptance due. The process of empanelment shall be complete when NERAMAC receives an acceptance letter from the advocate/Law Firm.

7) Private Practice and Restrictions

- (i) An advocate shall have the right to private practice which should not, however, interfere with or be in conflict with the efficient discharge of his duties as an empanelled advocate of the NERAMAC.
- (ii) An advocate shall not advise any party or accept any case against NERAMAC.

8) Disablements

Disablement on the part of the Advocate shall mean and include any of the following:

- (i) Giving false information in the application for empanelment;
- (ii) Handing over the brief or matter to another advocate without prior written permission of

the NERAMAC;

- (iii) Failing to attend the hearing of the case without any sufficient reason and/or prior information;
- (iv) Not acting as per NERAMAC's instructions or going against specific instructions;
- (v) Not returning the brief when demanded or not allowing or evading to allow its inspection on demand;
- (vi) Misappropriation of the NERAMAC's funds or earmarking, using the same towards his fee without NERAMAC's permission
- (vii) Threatening, intimidating or abusing any of the NERAMAC's employees, officers, or representatives;
- (viii) Making any of his associates or juniors to appear on behalf of any of the opposite parties in cases/appeal related to NERAMAC;
- (ix) Committing an act that tantamount to contempt of court or professional misconduct;
- (x) Conviction of the Advocate in any offence resulting into arrest or detention or disbarment by the Bar Council;
- (xi) Passing on information relating to NERAMAC's case on to the opposite parties or their advocates or any third party which is likely to cause any damage to the NERAMAC's interests;
- (xii) Giving false or misleading information to the NERAMAC relating to the proceedings of the case;
- (xiii) Seeking frequent adjournments or not objecting the adjournment moved by other party without sufficient reason. Empanelment shall be liable to be cancelled due to occurring of any of the above disablements on the part of the Advocate.

9) Doubt/ Difficulty

If there arises any doubt/difficulty with respect to the implementation/interpretation of any clause of these guidelines, the same shall be placed before Managing Director, NERAMAC and his decision in this regard shall be final and binding.

ANNEXURE 'A'

FORMAT OF APPLICATION FOR ADVOCATES/ LAW FIRM

1. Name
2. Date of birth
3. Educational qualifications:
4. Date of Enrolment,
5. Name of Bar Council (*Copy of enrolment certificate must be attached*)
6. Period of practice
7. Details of Experience/practice /achievements
 - a) Experience in Govt. Organisation/Supreme Court/High Court/Lower Court
 - b) Achievements, if any
8. Date of enrollment as an Advocate and Registration No.
9. PAN number
10. Office Address:
11. Residence Address:
12. Contact Number:
13. E- Mail:
14. Categories of field for which application is made.
15. A brief note on suitability for empanelment. (*details of major cases dealt/contested by the advocate successfully*)

I declare that I have never been penalized by any bar council in any Disciplinary Proceedings.

I also undertake to maintain absolute secrecy about the cases of the NERAMAC as required under the Act, Rules and Regulations there under.

I agree with the Fee Schedule notified by NERAMAC.

Signature of Advocate
Address (office & residence/chamber)
Tel. No./Mobile No./Fax No.
Email ID:

ANNEXURE 'B'

To,

Mr -----, Advocate

Dear Sir,

Sub: Empanelment as NERAMAC's Advocate

This is with reference to your application dated _____ wherein you have evinced interest for empanelment as an advocate with the NERAMAC. We are pleased to inform that your request has been considered favourably and you are advised to give your assent for empanelment on following terms and conditions (A copy of guidelines enclosed):

1. You will abide by NERAMAC's terms and conditions as enumerated in the Guidelines for such empanelment.
2. Your fees would be strictly governed by the NERAMAC fee schedule for Panel Advocates as amended from time to time and you will not claim any retainer fee or employment in NERAMAC's service.
3. You will not accept any case against the NERAMAC.
4. You will take necessary steps to protect the interest of the NERAMAC in matters entrusted to you from time to time.
5. Empanelment does not confer any right or claim that you alone should be entrusted with the NERAMAC's work.
6. You will personally deal with the case assigned to you in addition to coordinating and working with designated Senior Advocate, if any, engaged in some matter.
7. On unsatisfactory performance in any assigned matter, NERAMAC may at any time, at its discretion, withdraw from you such proceedings/matter/ brief and may discontinue you as NERAMAC's advocate without paying any further fees.

8. You will keep NERAMAC informed about the developments in the matters entrusted to you.
9. Unless a case is specially assigned to you by the NERAMAC, you will not on your own receive Summons / Notices of the NERAMAC's matters and even if you receive, if no Vakalatnama is given to you, you shall not otherwise deal with such cases. However, you will immediately inform NERAMAC in this regard.
10. You shall not use NERAMAC's name or symbol, logo in your letter heads, sign boards name plates etc.
11. In case of any misconduct, the NERAMAC will take appropriate action against you which includes filing complaint with Bar Council and recovery of financial loss caused to the NERAMAC due to your misconduct.
12. In case of initiation of any disciplinary proceedings/ criminal proceedings against you, the NERAMAC may remove you from the panel even without waiting for the conclusion of such proceedings.
13. Your performance will be reviewed on yearly basis and if your services are not required/ found upto the mark, NERAMAC may remove you from panel and the cases/matters entrusted to you will be taken back from you.
14. You are required to maintain absolute secrecy about the cases of the NERAMAC as required under the Act, 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 NERAMAC.
15. You are requested to return the duly signed duplicate copy of this letter indicating your unconditional consent.

We look forward for better cooperation and hope for good relations with you.

Yours faithfully
(Authorized Signatory)

Annexure C
Fee Structure of Panel of Legal Counsels of NERAMAC

The Legal Counsels will be engaged as per requirement. Schedule of Legal fees payable to the Advocates / Law firms is as follows:

A. SCHEDULE OF LEGAL FEES PAYABLE FOR DEALING CASES BEFORE SUPREME COURT

Sr. No.	Item of Work Fee	Fees
1.	Appearance Fee in all Regular Appeals and defended writ Petition(For final Hearing)	Rs. 9,000.00 per case per day For effective hearing as per notification of Ministry of Law & Justice
2.	Appearance Fee in all defended Admission matters (SLP/TP and writ Petitions & others misc. matters for admission)	4500.00 per case per day as per notification of Ministry of Law & Justice
3.	Settling the pleadings	5,250.00 per pleading as per notification of Ministry of Law & Justice
4.	Appearance Fee in Miscellaneous Applications	4500.00 per case as per notification of Ministry of Law & Justice
5.	Consultation/Conference a) In the office of counsel b) Any other place c) Site Inspection	a) 900.00 per conference b) 500.00 per hour c) 1500.00 & actual conveyance changes.
6.	Out of Head Quarter Local conveyance while outside head quarters	Rs. 9000/- per day as per notification Rs. 1500/- per day as per notification
7.	Drafting SLP/counter affidavit/ Rejoinders, written submission etc.	7,000.00 per document
8.	Drafting of miscellaneous applications(including mentioning of the case/caveat/clearance/notice of	7,000.00 per document
9.	Legal opinion or advice	7,000.00 per document
10	Drafting of Legal notices	6,000.00 per notice
11	Miscellaneous Out of pocket expenses	As per actual to the satisfaction of RLDA
12	Clerkage	10% of the fees

B.**SCHEDULE OF LEGAL FEES
PAYABLE FOR DEALING CASES BEFORE HIGH COURT & CAT**

Sr. No.	Item of Work	Fees
1.	Appearance in High Court & CAT for writs, civil or criminal revisions/appeals etc.	9,000.00 Per case per day of effective hearing, as per notification of Ministry of Law & Justice 1500.00 per case per day for non-effective hearing subject to maximum of 5 hearing as per notification of Ministry of Law & Justice
2.	Drafting, settling and filing of writ petition/Arbitration Petition/Appeal/Revision etc.	9,000.00 per pleading as per notification of Ministry of Law & Justice
3.	Appearance Fee in Miscellaneous Applications.	3,000.00 per case as per notification of Ministry of Law & Justice
4.	Consultation/Conference a) In the office of counsel b) Any other place c) Site Inspection	a) Rs. 900 per conference as per notification of Ministry of Law & Justice b) 900.00 per conference as per notification of Ministry of Law & Justice c) 1,000.00 per & actual conveyance charge.
5.	Drafting counter affidavit/ Rejoinder, written submission etc.	7,000.00 Per document
6.	Drafting of Miscellaneous Applications(including mentioning of the case/Caveat/Clearance/notice of motion/obtaining the number and taking date of hearing)	4,000.00 per application
7.	Legal opinion or advise	6,000.00 per opinion
8.	Drafting of Legal notices	5,000.00 per notice
9.	Miscellaneous out of pocket expenses	As per actual to the satisfaction of RLDA
10.	Clerkage	10% of the fees

C. SCHEDULE OF LEGAL FEES PAYABLE FOR DEALING CASES BEFORE DISTRICT AND SUBORDINATE COURT

Sr. No.	Item of Work	Fees
1.	Appearance IN City Civil Court/Session Courts/Consumer Courts, Appellate Tribunals	1800.00 Per day per effective hearing as per notification of Ministry of Law & Justice 600.00 per day for non-effective hearing for not more than 5 hearings in case as per notification of Ministry of Law & Justice
2.	Appearance before other Authorities/Tribunals (Other than CAT) Labour Court except arbitrators	2,500.00 Per day per effective hearing. 800.00 Per day per for non-effective hearing for not than 5 hearings in cases
3.	Appearance before arbitration	2,250.00 Per day per effective hearing as per notification for senior counsel & for junior Rs. 1500 450.00 Per day for per non-effective hearing for not than 5 hearings in cases as per notification of Ministry of Law & Justice for senior counsel & for junior Rs. 300
4.	Consultation/Conference a) In the office of counsel b) Any other place c) Site Inspection	a) 900.00 per conference as per notification of Ministry of Law & Justice b) 900.00 per conference as per notification of Ministry of Law & Justice c) 750.00 & actual conveyance charges
5.	Drafting replies Rejoinders/Affidavits for Courts/Tribunals/Authorities/Arbitrators.	2500.00 Per document
6.	Out of Head Quarter Local conveyance while outside head quarters Hotel stay	Rs2700/- per day as per notification Rs. 900/- per day as per notification Rs. 1800/- per day
7.	Drafting, Settling and filing of Civil Suit/Recovery Suits.	2500.00 Per document
8.	Drafting, of Miscellaneous Applications (including mentioning of the case/Caveat/Clearance/ notice of motion/obtaining the number and tanking date of hearing)	1,500.00 per application
9.	Legal opinion or advice	2500.00 per opinion
10.	Drafting of Legal notices	2500.00 per notice
11.	Miscellaneous Out of pocket expenses	As per actual to the satisfaction of RLDA
12.	Clerkage	10% of the fees