



केन्द्रीय भण्डारण निगम
(भारत सरकार का उपक्रम)
CENTRAL WAREHOUSING CORPORATION
(A GOVT. OF INDIA UNDERTAKING)



जन जन के लिए भण्डारण - WAREHOUSING FOR EVERY ONE

No. CWC/IRO-Advocate Empanelment/2019/10640

Date: 06.11.2019

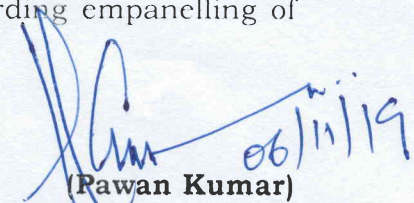
CIRCULAR

Sub: Guidelines for Empanelment of Advocates/Law firms and Schedule of fee thereof.

Central Warehousing Corporation, a Miniratna Schedule "A", PSU under the Department of Food & Public Distribution, Ministry of Consumer Affairs Food and Public Distribution proposes to reconstitute/engage Panel Counsels to represent the Corporation before the Supreme Court of India, High Courts, District Courts and other judicial bodies on pan India basis.

2. The qualification, experience, Schedule of fee, other terms and conditions and the application format for submission are attached to this circular.
3. The Advocates who are already empanelled in CWC shall cease to be on the panel of CWC with immediate effect. Therefore, they are also required to apply afresh.
4. Application for empanelment at CWC does not confirm any right/assurance whatsoever that they will be empanelled on the panel of CWC.
5. The decision of the Competent Authority of CWC regarding empanelling of the Advocates shall be final.

Encl: As above.


(Pawan Kumar)
Dy. General Manager (Pers.)

Copy to:

1. All HODs, CWC, CO, New Delhi and all Regional Managers: with an advice to send recommendations for empanelment of interested advocates, for maintaining a pool of advocates, as per the guidelines and schedule of fee attached.
2. PS to Chairman/PPS to MD/SAM to Director (Fin.)/PS to Director (M&CP)/Sr. PA to Director (Pers.), CWC, CO, New Delhi.

C.O. 4/1, Siri Institutional Area, August Kranti Marg, Hauz Khas, New Delhi-110016

Email: gmpers@cewacor.nic.in Tel. No. 011-26515178

GUIDELINES FOR EMPANELMENT OF ADVOCATES/LAW FIRMS

1. Definitions

For the purpose of these guidelines, the expressions:

- a. 'Competent Authority':** The designated Authority in CWC who is vested with the powers to approve engagement of Advocates in various matters as per Delegation of Powers (DOP).
- b. 'Effective Hearing':** A hearing in which either one or both the parties involved in a case is heard by the Court. If the case is mentioned and adjourned or only Judgement is pronounced by the Court, it would not constitute an effective hearing, but will be treated as non-effective hearing.
- c. 'Uncontested Cases':** If cases are withdrawn by the Petitioner/Plaintiff/Appellant or is dismissed in limine or otherwise decided by the Court ex-parte before the Final Hearing, such cases will be considered as uncontested cases. No case will be considered as 'uncontested' if it is decided by the Court on preliminary Legal objections or is withdrawn during the final hearing or is withdrawn by the CWC at the time of Admission or when a decision is given after hearing arguments on both sides.
- d. 'Substantial Work':** When the case has been admitted by the Court after Hearing the preliminary Objections or filing of the Affidavits/Counter Affidavits etc. by the Advocate, 'substantial work' will be deemed to have been done.
- e. 'Identical Cases'/Connected Cases':** Two or more cases in which substantially identical questions of law or facts are involved and where the main difference is in the names, addresses of the parties concerned, amount of money involved etc., where common or identical judgements are delivered irrespective of the fact whether all the Cases are heard together or not.
- f. 'Lower Court':** Any Court, which is subordinate to the High Court.
- g. 'Professional Fee':** The fee payable for professional services except actual expenses will be treated as professional fee.

2. Qualification

- (i) The Advocate must possess a Bachelor's degree in Law. Bachelor Degree in Law means and includes a degree in law conferred by the University recognized by the Bar Council of India.
- (ii) The Advocate must be enrolled with the Bar Council.

3. Eligibility for Empanelment

In addition to the qualification prescribed, the advocates are advised to carefully read and follow the eligibility criteria, instructions and terms & conditions for empanelment of Advocates in CWC more specifically mentioned herein below:-

- (a) The Advocate/Law firms should have sound knowledge about various branches of law particularly constitutional law, C.P.C., Cr. P.C., Evidence Act, Contract Act, Limitation Act, Negotiable Instrument Act, Arbitration Act etc.
- (b) The Advocates should have minimum professional/ court experience in handling cases of government organizations as follows:-
 - i) For handling the cases of Supreme Court of India: 10 years experience in Supreme Court cases and should be Advocate on Record (AOR) of Supreme Court.
 - ii) For handling the cases of High Court: 7 years experience in High Court cases.
 - iii) For handling cases at District Court/ Tribunals: 5 years experience in these courts.
 - iv) For handling Arbitration cases: 10 years experience in Arbitration cases.
- (c) The Corporation will also generally consider the following points:
 - (i) Proper and adequate infrastructure of an advocate such as office premises, number of junior advocates, assistants, clerks and fax, mobile phone, fixed phone, internet connection etc.
 - (ii) Track record and integrity.
 - (iii) If considered necessary, an enquiry from the respective Bar Council/ Bar Association about the claims and conduct of the Advocate.
 - (iv) If the Advocate is empanelled by other Regulators/ Organizations, opinion of those organizations.
- (d) The advocates should furnish their areas of specialization.
- (e) The advocates who are ordinarily practicing in specific court would be preferred for the designated Court. The advocate should provide copy of registration of Bar Association of respective Courts.

4. Tenure of Empanelment

The initial empanelment will be for the period of three years. The Competent Authority reserves its right to terminate the empanelment of any advocate at any time without assigning any reason. The empanelment would be reviewed after three years. The advocate already empanelled would be eligible for re-empanelment subject to satisfactory performance.

5. Payment of Fee and Other Conditions

- a) The fee payable to the Advocates shall be governed by the schedule of rates approved by CWC and annexed as Annexure 'B'.
- b) The Competent Authority of CWC 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 to be put in by the Advocate in a particular case.
- c) The fee of any Senior Advocate, present or former Solicitor General & Additional Solicitor General engaged to defend the interest of the Corporation will not be restricted to the Schedule of rates annexed as Annexure 'B' and will be decided by mutual consent on case to case basis.
- d) No retainerhip fee shall be paid to any panel Advocate.

6. Documents to be submitted

The advocates will be required to furnish their Bio-data with latest passport size photograph as per the prescribed format given in Annexure 'A' along with the following documents:

- a) Registration Certificate with the Bar Council;
- b) Registration Certificate issued by Bar Association;
- c) Copies of empanelment with other PSUs;
- d) Details of Court cases contested for the clients in last 10 years with specific status i.e. decided in favour/against/pending.
- e) Any other documents regarding experience.

7. Procedure for Empanelment of Advocates/Law Firms

- a) The Advocate must apply on the format prescribed by CWC only.
- b) An Advocate shall submit an application for the court for which he/she is willing to be empanelled. If an advocate is willing to be empanelled for more than one court he/she shall apply separately for each court. An advocate will be empanelled for the courts he/she has applied for, based on the requisite criteria.
- c) An Advocate shall apply for only one specific field i.e. Civil Law, Criminal Law, Corporate Law, Taxation Law, Labour Law,

International Law, Family Law, Constitutional Law, Administration Law, Patent Law etc.

- d) Merely fulfilling the eligibility criteria will not confer any right on an Advocate for empanelment.
- e) The size of the panel and number of advocates in a particular field in the panel shall be finalized by CWC based on the requirements and quantum of work involved.
- f) The decision of the Committee constituted by the Competent Authority of CWC regarding empanelling of the Advocates shall be final.
- g) Letters & E- mails to Advocates confirming their empanelment will be issued by CWC separately.

8. Duties of the Empanelled Advocates.

- a) The Advocates shall not advise any party or accept any case against CWC, in which he/she has appeared or is likely to be called upon to appear for or advise which is likely to affect or lead to litigation against CWC.
- b) Timely appearance of the Counsel to contest the cases for CWC in the court is must. His/Her absence in the court without any reasonable ground will not be accepted and CWC management may consider de-empanel such advocate.
- c) CWC shall send the information to the empanelled advocates through email/ SMS, regarding entrusting of a case and after receiving email/ SMS, it is the duty of the empanelled advocate to collect the brief/ copy of the petition along with entrustment letter from the concerned office of CWC.
- d) CWC is free to engage any advocate of its own choice and empanelled Advocate shall make no claim that he/she alone should be entrusted with the legal matter(s) of CWC. Engagement of Advocate whether from among the empanelled advocates or outside would depend exclusively on the nature of the case. The concerned Head of Departments would use their wisdom and knowledge/judgemental acumen to engage them on case to case basis. It would be absolutely discretionary.
- e) 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.
- f) The Advocates shall accept the terms and conditions of the empanelment prescribed by CWC without any condition.

- g) It will be mandatory for empanelled advocates to visit the concerned office of CWC as and when required to enable empanelled lawyers to handle cases efficiently.
- h) In order to ensure that there is effective check on the cases being conducted, the lawyers on the panel must report the status of the cases after each date of hearing. Failure to submit status report will be a ground for removal of the name of the lawyer concerned from the panel.
- i) The Advocates will be required to keep CWC informed and updated on all important developments in the designated cases, dates of hearing, order of the court on the date of pronouncement, supplying copy of judgement etc.
- j) The Advocates will be required to furnish monthly statement about the cases represented by him/ her before the High Court or any other authority and their outcomes without fail.
- k) Whenever any case attended to by him/ her is decided against the Corporation, a considered opinion regarding the advisability of filing an appeal from such a decision not later than 7 working days of the order must be furnished (kuchcha copy).
- l) The Advocate shall provide certified copy of the judgement to CWC within ten (10) days (excluding the time taken by the court in preparation of the copy) from the date of judgement.

9. Performance Review

Apart from the review of the empanelment after three years the Performance of the empanelled Advocates will be subject to review by CWC from time to time. CWC reserves the right to terminate the empanelment of any Advocate at any time without assigning any reason.

10. Removal from Panel

Empanelment shall stand cancelled automatically due to occurring of any of the following disablements on the part of the Advocate. No reasons/justification shall be given by CWC in this regard. No correspondence in the matter shall be entertained.

- a) Giving false information in the application for empanelment;
- b) Failing to attend the hearing of the case without any sufficient reason and/or prior information.
- c) Not acting as per CWC's instructions or going against specific instructions.
- d) Threatening, intimidating or abusing any of the CWC's employees, Officers or representatives;

- e) Passing information relating to cases of CWC on to the opposite parties or their Advocates or any third party which is likely to cause damage to the Corporation's interests.
- f) Giving false or misleading information to CWC relating to the proceedings of the case; and
- g) Seeking frequent adjournments or not objecting the adjournment moved by other party without sufficient reason.

11. Maintaining of Professional Ethics

During the term of empanelment and thereafter, the Law firm/ Advocates shall maintain confidentiality of the matters pertaining to CWC. They shall neither advise any party nor accept any case against CWC during the term.

12. Removal of Doubts/ Difficulty

In the matter of implementation of the guidelines, if any, doubt or difficulty arises or doubt regarding the interpretation of any of the Clause of these guidelines, the same shall be placed before the Managing Director, CWC and his decision shall be final.

Annexure A
REQUEST FOR EMPANELMENT OF
ADVOCATE/LAW FIRM IN CWC

To,
General Manager (Personnel)
Central Warehousing Corporation
4/1, Siri Institutional Area,
August Kranti Marg, Hauz Ksas
New Delhi- 110016

Affix recent
Passport size
Photograph

Subject: Empanelment of Advocates on CWC Panel in _____
_____ Court (s)(Name of Court).

Sir,

Reference your Circular dated _____ uploaded on CWC website on the subject noted above, I intend to represent CWC as Advocate and accordingly request that I may be empanelled as CWC advocate in _____ Court (s)(Name of Court). My particulars are given below:

1.	Name (CAPITAL LETTERS)	
2.	Father's Name	
3.	Professional Qualification	
4.	Date of Birth	
5.	Office Address	
6.	Residential Address	
7.	Mobile No.	
8.	Alternate Mobile No.	

9.	Email ID	
10.	Alternate Email ID	
11.	PAN No.	
12.	Date of enrolment with Bar Council (Attach copy of enrolment certificate)	
13.	Major field of Specialisation/ practice (ONLY ONE)	
14.	Additional field(s) of practice	
15.	If applying for panel of Supreme Court, mention details of enrolment of AOR of Supreme Court	

16. Details of important cases the Advocate has dealt with/ handled and report judgement, if any

17. Details of Experience with/ Practice with PSUs

UNDERTAKING

1. I undertake to maintain absolute integrity and secrecy about the cases of the CWC.
2. I will abide by the Fee Schedule notified by CWC from time to time.

**Signature of Advocate with Seal
Address (Office & residence/ Chamber)**

DECLARATION

I declare that I have never been penalized by any Bar Council in any Disciplinary Proceedings. I undertake that the information given above is true and correct.

List of Enclosures:

Date:

Place:

**Signature of Advocate with Seal
Address (Office & residence/ Chamber)**

Annexure B**SCHEDULE OF FEE FOR ADVOCATES****Amount (in Rs.)**

Legal Service	Supreme Court	High Court	Lower Court
1. Fee for drafting Writ Petition/ Complaint/ Counter Affidavit/ Affidavit by way of evidence and written arguments/ Written Statement/ Replication/ Rejoinder etc.	12000	9000	6000
2. Fee for drafting miscellaneous applications/ Interlocutory Applications/ Replies thereto/ Interim application & its replies/ affidavits etc.	5000	3750	2500
3. Fee for appearance before court, arbitrator, Tribunal, commission etc. (per appearance)			
a) For effective hearing	10000	7500	5000
b) For non- effective hearing	5000	3750	2500
4. Fee for appearance, out station visit along with Senior Advocate before court, arbitrator, tribunals etc. for getting the special leave petition/ writ petition/ counter affidavit/ complaint/ affidavits/ written arguments/ synopsis/ conferences/ written statements/ replication/ rejoinders, pleadings settles, getting the opinion etc. from senior advocate	1/5 th of senior counsel charges or 200% of the rates specified in this Schedule of Rates (depending on the level of court being represented), whichever is lower.		
5. Fee per written opinion	10000	7500	5000
6. Fee for conference/ discussions (per hour) subject to maximum 2 hours per sitting & up to 3 sittings per case	5000	3750	2500
7. Fee for drafting legal notice/ reply to the notice and other similar legal documents/ letters & filing of Caveats	5000	3750	2500
8. Fee for out station visits individually of any nature (per diem)(including fee for appearance before courts, Arbitrators, Tribunals, Commissions etc. or any other visit for official purpose of the Corporation).	10000	7500	5000
9. Connected Cases/Identical Cases	<p>A. When advocate files affidavit/ application or grounds of appeal etc. in all connected/Identical Cases and the cases are decided accordingly, the Advocate shall be paid the full fee in the main case and 1/4th in each of the connected cases.</p> <p>B. When the main case and the connected cases are disposed-off without contest, the Advocate shall get 1/3rd fee in the main case and 1/3rd fee of main case in each of the connected matter.</p>		
10. Clerkage	10% of the professional fee of the Advocate	10% of the professional fee of the Advocate	10% of the professional fee of the Advocate
11. Out of pocket Expenses	At actual, on certificate by advocate with limit of Rs. 500/- per case and beyond Rs. 500/- subject to actual supporting bills/vouchers.		
12. Fee for drafting, vetting, finalization of agreement/Deed/MOU etc & Other similar legal Documents.	5000		
Note: The rates of fee provided in the Schedule are exclusive of GST.			

Notes:

1. For Cases in Arbitration, the fee of advocates will be paid on the basis of amount of claim (excluding interest and counter claims). Where the said claim amount is less than Rs. 5 Crores the rates of High Court will be applied and in case it is more than Rs. 5 Crores the rates of Supreme Court will be applied.

2. In the case of outstation visits, either with Sr. Advocate or otherwise, the advocates on CWC panel will be paid the fee for outstation visit (per diem) only. Further no other fees, as listed in the Schedule of Fee for Advocates, will be payable in the case of outstation visits. For outstation work, in addition to fee for outstation visit (per diem), air ticket and rail ticket in case there is no air connection and stay in hotels (both boarding and lodging) and local and outstation conveyance, at par with E-7 level in CWC on the basis of the submission of bills may be provided, i.e. as follows:

DA Rates/day (Rs.):

Level	X & Y Cities for the purpose of HRA (Rs.)	Z class cities for the purpose of HRA (Rs.)
E-7	1000	700

Lodging charges for a single room (Rs./day):

Level	Principal Cities (Rs.)*	Other Cities (Rs.)
E-7	8000	6400

***Principal Cities:** - The list of cities issued by the Government on the basis of Census 2011, for the purpose of allowing higher travelling allowances and further amended from time to time. Taxes and other levies as applicable at actuals.