

6. Should not have been blacklisted by any Central Govt. / State Govt. / Government Company/ PSU/Govt. Bodies.
7. Accept and will provide their services as per the above mentioned schedule of Fee of NHRCL.

Private practice and restrictions:

8. 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 empaneled advocate of NHRCL (Conflict of Interest).
Further, the law firm/ advocate shall ensure that during their empanelment with NHRCL, there is no conflict of interest with NHRCL vis-à-vis their other clients. The empaneled law firms/ advocates shall also not advise any party, render any legal opinion or accept any case against NHRCL in which he has appeared or is likely to be called upon to appear or give advice or render any such service (as indicated in scope of work and at para IV above), which is likely to lead to a situation of conflict with the interest of NHRCL and / or compromises the position of NHRCL legally or otherwise.
9. Shall not advise any party or accept any case against NHRCL or cases against its interest of any nature whatsoever.
10. Shall not entertain any case against NHRCL arising out of any court.
11. If the advocate happens to be a partner of a firm of lawyers or solicitors, it will be incumbent upon the firm not to entertain any case against NHRCL or impinging on its interest of whatsoever nature arising in any Court.
12. The law firm / advocate will be engaged by NHRCL on case to case basis and the allocation of work will be decided by NHRCL.
13. The law firm / advocate will take necessary steps to protect the interest of NHRCL in matters entrusted to it from time to time.
14. Empanelment does not confer any right or claim that the law firm / advocate shall alone be entrusted with the work of NHRCL.
15. NHRCL may, at any time, at its discretion, withdraw from the law firm / advocate any proceedings/ matter /brief.
16. The law firm/ advocate shall keep NHRCL informed regarding the developments in the matters entrusted to it.
17. Unless a case is specially assigned, the law firm / advocate will not on its own receive Summons/ Notices on behalf of NHRCL; and even if any summon/ notice is received and no Vakalatnama is given by NHRCL, the law firm shall not otherwise deal with such cases and immediately inform NHRCL in this regard.

18. The law firm / advocate shall not use the Company's name or symbol, logo in its letter heads, sign boards, name plates, advertisements, websites, etc., without explicit permission of NHSRCL.

IX. DEBARRING PROVISIONS OR REMOVAL FROM PANEL:

The advocate / law firm will be debarred/ removed from empanelment, present and /or in future, in NHSRCL, if:

1. obtains the empanelment on the basis of false information / mis-statement.
2. does not take up work in terms of empaneled letter.
3. handing over the brief of matter to another advocates / law firms without prior written permission of NHSRCL.
4. fails to abide by advocate client privileges.
5. fails to maintain/ honor confidentiality and secrecy of the Company's data, statement and any other information.
6. fails to attend the hearing of the case without sufficient reason and prior information to the Company.
7. passing of information relating to NHSRCL's case to opposite party or their advocates, etc. which is likely to damage or cause damage to the Company's interest, legal or otherwise.
8. giving false and/or misleading information to the Company relating to the proceedings of the case.
9. threatening and/or intimidating and/or abusing any of the employees or officers or representatives of the Company.
10. not returning the brief when demanded or not allowing or evading, to allow its inspection on demand.
11. misappropriation of NHSRCL's funds or earmarking / using the same towards his fee without NHSRCL's permission.
12. committing an act tantamount to contempt of court or professional misconduct.
13. making any of his associates or juniors to appear on behalf of any of the opposite parties in cases/ appeal related to NHSRCL's without prior permission.
14. conviction of the advocate in any offence resulting into arrest or detention due to moral turpitude or detention or disbarment by the Bar council;
15. not acting as per NHSRCL's instruction or going against specific instructions.
16. frequent adjournment being obtained or not objecting the adjournment moved by other party without sufficient reason.
17. empanelment shall be liable to be cancelled consequent upon occurring of any of the above said conditions.
18. where there is any indication that a conflict of interest exists or may arise, it shall be the responsibility of the advocate/ law firm to inform NHSRCL, detailing the conflict in writing as an attachment to its Bid.

19. NHSRCL will be the final arbiter in cases of potential conflicts of interest. Failure to notify NHSRCL of any potential conflict of interest will invalidate the bid.
20. There is a dissolution / winding up of Law firm.

X. APPLICATION PROCEDURE:

1. The applicant should sign & stamp in all pages of EOI document (including annexures) and submit along with a duly filled and signed application in **Annexure II-A (applicable for Advocate) / II-B (applicable for Law Firm)** in a sealed envelope super scribed with “For Supplementary Empanelment of Legal Consultants” at following address by post/ courier / speed post/ in person on or before 23rd December,2020 latest by 1730 hours to National High Speed Rail Corporation Limited, 2nd Floor, Asia Bhawan, Sector – 9, Dwarka, New Delhi – 110077, Ph. No. 011 – 28070000.
2. Your empanelment shall be strictly on the basis of application format given at Annexure – II A/ B (as the case may be), and irrelevant and unnecessary papers should be avoided to be attached (except wherever prescribed in this EOI). Application submitted in any other form / mode / incomplete application shall not be considered and would be rejected outrightly.
3. Before dispatching, please see that following documents are attached:
 - a) LL.B. degree of Advocate / Managing Partner of Law Firm.
 - b) Registration Certificate of the law firm.
 - c) Certificate of Practice issued by relevant Bar Council to Advocate / Managing Partner of Law Firm.
 - d) Complete EOI document (issued by NHSRCL) duly signed and sealed as a token of acceptance of all terms and conditions.
 - e) Power of attorney / authorization letter issued in favour of authorized signatory of law firm.
 - f) Documentary proof showing empanelment with Government Company/ PSUs/ Govt. Dept. of Centre or State Government/ Govt. Bodies, etc.
 - g) Original signed and sealed Self – Certification (Format of self-certification is given at **Annexure – II**).
4. Name & Address of the advocate / law firm must be mentioned on the envelope containing application for empanelment.
5. NHSRCL does not take any responsibility for loss of application in transit.
6. NHSRCL shall notify the successful advocate / law firm in writing by a Registered Letter/ Courier/ email/ Speed Post/ FAX or per bearer about his / her empanelment.



Schedule of Fee payable to Law Firms/ Advocates (Category A) – NHRCL**A. Litigation Fee:**

Sl. No	Subject	Fees plus taxes
I. Before the Supreme Court:		
1.	a) Preparation of Petitions	a) Rs. 20,000
	b) Counter Affidavit/ Written statements including reply to stay application to the suit / writ petition/ LPA, etc.	b) Rs. 15,000
	c) Preparation of misc. / interim applications & replies, impleadment application and any other application / petition	c) Rs. 10,000
	d) Appearance	d) Rs. 15,000
		(a) to (c) inclusive of clerkage charges
2.	Filing of Caveat	Rs. 10,000/-
II. Before the High Court / National Green Tribunal		
1.	a) Preparation of Petitions	a) Rs. 15,000
	b) Counter Affidavit/ Written statements including reply to stay application to the suit / writ petition/ LPA, etc.	b) Rs. 10,000
	c) Preparation of misc. / interim applications & replies, impleadment application and any other application / petition	c) Rs. 7,000
	d) Appearance	d) Rs. 10,000
		(a) to (c) inclusive of clerkage charges
2.	Filing of Caveat	Rs. 7,000/-
III. Other Courts		
	a) Preparation of Petitions/ Written statements/ replies / rejoinder/ appeal, etc.	a) Rs. 10,000
	b) Preparation of interim petition	b) Rs. 5,000
	c) Appearance	c) Rs. 7,000
		(a) & (b) inclusive of clerkage charges

Other Courts – Before the District Courts / City Civil Court/ Consumer Court/ Small Causes Court/ Appellate Tribunal / other Authorities/ Tribunals/ Commission/ Forum/ EO/ Labour Court/ CIC etc.

B. Transactional Services (Vetting of Documents etc.):

Sl. No	Subject	Fees plus taxes
1	Vetting of Documents/ Conveyance Deed/ any other Agreements/ Deeds etc.	Rs. 15,000 per document

C. Advisory Services (Opinions etc.):

Sl. No	Subject	Fees plus taxes
1	Fee for written opinions Brief for Legal Opinion/ Notices/ Reply to Notice other than pending court cases, legal notices & its replies. No fee will be paid in case of written opinion given in contesting / pending cases	Rs. 25,000/-

Notes (forms part and parcel of above Schedule of Fee):

1. The schedule of fee payable for services rendered as given above is fixed.
2. The law firm/ advocate appearing for NHRCL before any Court/ Tribunal shall be entitled to claim full fees only in case of effective hearing. For non-effective hearing the law firm/ advocate shall be entitled to half of the fees.
3. Where two or more cases involving substantially identical or similar questions of law or facts are heard together, the law firm / advocate will be paid full fee in one case and ¼ of the fees in rest other cases.
4. The Law firm will be paid fees with respect to appearance of only one advocate of the firm.
5. **Effective hearing:** Effective hearing for the purpose of claiming appearance fee in a place means a hearing in which one or both the parties involved in the case are heard by the court. If the matter is called in its turn and the Counsel is present to represent NHRCL and the Court/Tribunal listens to the submissions made by him or other side or by both and if, thereafter, the Court/ Tribunal adjourns the matter, that will be an effective hearing. If the case is mentioned and adjourned without any hearing or only routine directions are given or only judgment is delivered by Court/Tribunal, it would not constitute an effective hearing but will be termed as non-effective hearing.
6. **For outstation appearance: The expenses towards to and fro travel and boarding and lodging will be as under:**
 - i) *for senior Advocates* - Journey by business class by air or first class by train and boarding and lodging as applicable to the officer of the rank of ED of NHRCL.
 - ii) *for other Advocates* - Journey by economy class by air or by first class by train and boarding and lodging charges is applicable to the officer of the rank of AGM of NHRCL
7. Fee of ASGI / AGI and Senior Advocate designated by High/Supreme Court are not being stipulated as they are engaged in very few important cases only through NHRCL's panel Advocates and their fee varies from case to case depending upon the importance and question of law etc. of the matter as per the memo raised by them. Fee for such case may be decided by the Competent Authority/ NHRCL as per delegation in SOP depending on the merit of each case. Specific approval in writing of the Competent Authority for engagement of the Senior Advocate shall be required.
8. No retainer fee shall be paid to any empaneled Advocate or Law firm.
9. No advance payment shall be made.
10. Misc./ out-of-pocket expenses/ Court fee shall be reimbursed as per actuals and GST (if any) at applicable rates in addition to the above rates. In case of expenses exceeding Rs. 500/-, the counsel shall be required to produce bill thereof.
11. The day-to-day proceedings in the cases assigned to the empanelled advocate shall be intimated in writing or by e-mail to concerned GM.
12. The performance of empanelled Advocates shall be continuously monitored and examined by the GM/ Director and their continuance with NHRCL shall depend on their performance.
13. NHRCL reserves the right to cancel the name of any empanelled Advocate without assigning reason thereof.
14. After completion of case, expiry of tenure, or de-panelment of Advocate or decision to withdraw the case from the Advocate, either on its completion or in between, all such cases/files in the custody of the Advocate will be returned to NHRCL without any demur and final payment, if any, will be made after receipt of the relevant documents/ files.



Self – Certification

This is to certify that:

- a) I / we fulfill all the requirements laid down for empanelment under the heading Terms & Conditions and also agree to abide by all the conditions mentioned under the heading Compliance Certificate (given under para VI and VIII respectively of the EOI).
- b) I / we are not debarred in terms of the provisions mentioned in para IX of EOI.
- c) I / we are a regular taxpayer for last 3 financial years, and have submitted IT return during last three financial years.
- d) I / we have adequate demonstrable experience of _____ years in litigation as well as advisories in matters/ areas as specified in sl. no. 7 of the application format (i.e. Annexure II-A / B).

This is to further certify that the above mentioned details are true to the best of my / our knowledge and belief.

Signature and seal : _____

Name of Advocate / Authorized Signatory of Law Firm : _____
(IN BLOCK CAPITALS)

Designation : _____

Place :

Date :



Application format (On letter head of Advocate)

1. Name :
2. a) Date of Birth :
- b) Age :
[Cut-off date -- 30th November 2020, Please refer para IV (4) of the EOI]
3. Year of passing / Completion of LL.B. from the :
University recognized by Bar Council of India
(Please provide a copy of LL.B. degree)
4. Certificate of Practice issued by relevant Bar Council :
(Please provide a copy)
5. Details of Post Qualification Experience:
 - a) Total no. of years of experience :
 - b) Court where regularly practising :
6. Official Address :
Mobile and Telephone No. with STD code :
Fax. No. with STD Code :
Email address :
PAN no. :
7. Areas of Expertise/ Specialization :
[Choose the categories, out of 11 mentioned at Para IV (2) of the EOI – you may mention more than one category]
8. Existing Empanelment with any Government Company/ PSUs/ Govt. Dept. of Centre or State Government/ Govt. Bodies:

Sl. No.	Name of Government Company/ PSU / Dept. of Centre or State Government / Govt. Bodies	On panel since (Please provide a copy)

9. Whether you are Advocate on Record OR designated as Senior Advocate? :

10. Details of cases defended by the advocate on behalf of Government Company/ PSU / Govt. department :

- a. Before Hon'ble Supreme Court/ High Court

Sl. No.	Title of matter/ case details	Citation	Date of Judgment	Name of court & details of bench



b. Before Hon'ble Subordinate Courts/ Tribunals

Sl. No.	Title of matter/ case details	Citation	Date of Judgment	Name of court & details of bench

11. A brief note on suitability for empanelment :

12. Any other information you may like to give :

13. List of self – attested enclosures :

Verification:

1. I have read all the terms and conditions set out in the EOI dated _____ issued by National High Speed Rail Corporation Limited, and hereby accept the same without any deviation.
2. I have no objection if enquiries are made about the work listed by me in the accompanying sheets/ annexure.

Signature and seal : _____

Name of Advocate : _____
(IN BLOCK CAPITALS)

Place :

Date :



Application format (On letter head of Law Firm)

1. Name of the Law firm :
2. a) Registration No. of the Law Firm :
b) Date of Registration :
(Please provide a copy of registration certificate)
3. Details of Managing Partner (whose experience is being considered for meeting eligibility criteria):
 - a) Name
 - b) Date of Birth
 - c) Age
[Cut-off date -- 30th November 2020, Please refer para IV (4) of the EOI]
 - d) Year of passing / Completion of LL.B. from the University recognized by Bar Council of India
(Please provide a copy of LL.B. degree)
 - e) Certificate of Practice issued by relevant Bar Council
(Please provide a copy)
 - f) Details of Post Qualification Experience:
 - i) Total no. of years of experience
 - ii) Court where regularly practising
4. Official Address :
Mobile No. of any designated partner / senior partner(s) :
Telephone No. with STD code :
Fax. No. with STD Code :
Email address :
5. Permanent Account Number (PAN) :
6. GST number, if any :
7. Areas of Expertise/ Specialization :
[Choose the categories, out of 11 mentioned at Para IV (2) of the EOI – you may mention more than one category]
8. Existing Empanelment with any Government Company/ PSUs/ Govt. Dept. of Centre or State Government/ Govt. Bodies:

Sl. No.	Name of Government Company/ PSU / Dept. of Centre or State Government/ Govt. Bodies	On panel since (Please provide a copy)



9. No. of Advocates Associated with Law Firm who are :
holding valid Certificate of Practice issued by relevant
Bar Council.
10. a) Whether there is any Advocate on Record OR :
designated as Senior Advocate? If any
b) If yes, please specify his /her name.
11. Details of cases defended by the Law firm on behalf of Government Company/ PSU /
Govt. department:
- a. Before Hon'ble Supreme Court/ High Court

Sl. No.	Title of matter/ case details	Citation	Date of Judgment	Name of court & details of bench

- b. Before Hon'ble Subordinate Courts/ Tribunals

Sl. No.	Title of matter/ case details	Citation	Date of Judgment	Name of court & details of bench

12. A brief note on suitability for empanelment :
13. Any other information you may like to give :
14. List of self – attested enclosures :

Verification:

1. We have read all the terms and conditions set out in the EOI dated _____ issued by National High Speed Rail Corporation Limited, and hereby accept the same without any deviation.
2. We have no objection if enquiries are made about the work listed by us in the accompanying sheets/ annexure.

Signature and seal : _____

Name of Authorized Signatory of Law Firm : _____
(IN BLOCK CAPITALS)

Designation : _____

Place :
Date :

