

Private practice and restrictions:

- H. 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 NHSRCL (**Conflict of Interest**).
- Further, the law firm/ advocate shall ensure that during their empanelment with NHSRCL, there is no conflict of interest with NHSRCL 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 NHSRCL 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 NHSRCL and / or compromises the position of NHSRCL legally or otherwise.
- I. Shall not advise any party or accept any case against NHSRCL or cases against its interest of any nature whatsoever.
- J. Shall not entertain any case against NHSRCL arising out of any court.
- K. 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 NHSRCL or impinging on its interest of whatsoever nature arising in any Court.
- L. The law firm / advocate will take necessary steps to protect the interest of NHSRCL in matters entrusted to it from time to time.
- M. The law firm/ advocate shall keep NHSRCL informed regarding the developments in the matters entrusted to it.
- N. Unless a case is specially assigned, the law firm / advocate will not on its own receive Summons/ Notices on behalf of NHSRCL; and even if any summon/ notice is received and no Vakalatnama is given by NHSRCL, the law firm shall not otherwise deal with such cases and immediately inform NHSRCL in this regard.
- O. The law firm / advocate shall not use the Company's symbol or logo in its letter heads, sign boards, name plates, advertisements, websites, etc., without explicit permission of NHSRCL.

10. DEBARRING PROVISIONS OR REMOVAL FROM PANEL:

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

- A. obtains the empanelment on the basis of false information / misstatement.

- B. does not take up work in terms of empaneled letter.
- C. handing over the brief of matter to another advocates / law firms without prior written permission of NHSRCL.
- D. fails to abide by advocate client privileges.
- E. fails to maintain/ honor confidentiality and secrecy of the Company's data, statement and any other information.
- F. fails to attend the hearing of the case without sufficient reason and prior information to the Company.
- G. 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.
- H. giving false and/or misleading information to the Company relating to the proceedings of the case.
- I. threatening and/or intimidating and/or abusing any of the employees or officers or representatives of the Company.
- J. not returning the brief when demanded or not allowing or evading, to allow its inspection on demand.
- K. misappropriation of NHSRCL's funds or earmarking / using the same towards his fee without NHSRCL's permission.
- L. committing an act tantamount to contempt of court or professional misconduct.
- M. 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.
- N. conviction of the advocate in any offence resulting into arrest or detention due to moral turpitude or detention or disbarment by the Bar council;
- O. not acting as per NHSRCL's instruction or going against specific instructions.
- P. frequent adjournment being obtained or not objecting the adjournment moved by other party without sufficient reason.
- Q. There is a dissolution / winding up of Law firm.

Empanelment shall be liable to be cancelled consequent upon occurring of any of the above said conditions.

11. INTERPRETATIONS

NHSRCL reserves the right for allotment of legal work as envisaged



hereunder and no claim of any nature will be entertained in this regard. In case of any doubt or difference of opinion, interpretation issue or ambiguity as regards the terms and conditions of empanelment of Law Firms/Advocates (Special Legal Consultant) the same shall be decided by GM/Finance & Law whose decision shall be final and binding and no claim/correspondence of any nature will be entertained in this regard. GM/Finance & Law shall be the sole nodal officer for all the purposes/correspondence.

12. APPLICATION PROCEDURE:

- A.** The applicant should submit duly filled and signed application in format prescribed in **Annexure II and II-A (applicable for Advocate/Law Firms)** in a sealed envelope super scribed with “Expression of Interest (EOI) for empanelment in NHSRCL as Special Legal Consultants” at following address by post/ courier / speed post/ in person on or before 02nd Nov,2022 latest by 15.30 hours to

Manager (Law)
National High Speed Rail Corporation Limited,
2nd Floor, Asia Bhawan,
Sector – 9, Dwarka,
New Delhi – 110077,
Ph. No. 011 – 28070000. E-mail: - legal@nhsrcl.in

(Application received thereafter whether by post/courier or by hand delivery or otherwise will not be entertained)

- B.** Your empanelment shall be strictly on the basis of application format given at Annexure – II (A) 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 out rightly.

C. Before dispatching, please see that following documents are attached:

- (i) Enrolment certificate/Deed of incorporation of the law firm.
- (ii) Enrolment Certificate issued by Bar Council to Advocate / Managing Partner of Law Firm.
- (iii) Power of attorney / authorization letter issued in favour of authorized



- signatory of law firm (for application submitted by law firm).
- (iv) Documentary proof showing empanelment with Central Government Department/Government Company/ or any undertaking or entity where central government ownership is equal to or more than 50%.
- (v) Original signed and sealed Self – Certification (Format of self- certification is given at **Annexure – II**).
- (vi) Each page of application has to be signed by applicant.
- D. Name & Address of the advocate / law firm must be mentioned on the envelope containing application for empanelment.
- E. NHSRCL does not take any responsibility for loss of application in transit.
- F. 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.
- G. NHSRCL reserves the right to accept or reject any or all the offers at any stage of the process without assigning any reason thereof and no claim/dispute in this regard shall be entertained.
- H. Law firms/advocates already empaneled with NHSRCL can also apply for empanelment as special legal consultants.**
- I. **Schedule of Empanelment Process:**
NHSRCL would endeavour to adhere to the following schedule:

Event/Description	Date
Publishing of EOI	23.09.2022
Last date for receiving queries	10.10.2022 before 16.00 hours
Pre-Proposal Conference	12.10.2022 at 11.00 hours
Final date for Corrigendum, if any	13.10.2022
Last date of EOI Submission	02.11.2022 upto 15.00 hours
Opening of EOI	02.11.2022 at 15.30 hours
Letter of empanelment	To be declared

J. Pre-Proposal Conference / Queries:

The Pre-Proposal Conference shall be on date as mentioned in Para –I above via zoom link e-mailed to potential applicants.

Only queries received by last date for receiving queries will be answered in the pre- proposal conference. No other point or question will be entertained.

Those desirous of attending should e-mail request for invite at least two days in advance. The applicant(s) may submit their queries/request to attend pre proposal conference through email legal@nhsrcl.in or at the following venue:



**Manager (Law)
National High Speed Rail Corporation Limited,
2nd Floor, Asia Bhawan,
Sector – 9, Dwarka,
New Delhi – 110077,
Ph. No. 011 – 28070000.**

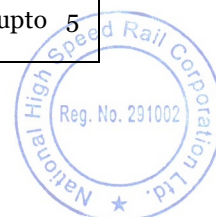


Annexure – I

Schedule of Fee payable to Law Firms/ Advocates (Special Legal Consultant) –NHSRCL

A. Professional Fee:

Sl. No	Subject	Schedule of Fees (excluding taxes)
I. Before the Supreme Court and Domestic Arbitration in JICA funded package		
1.	a) Appearance	a) Rs. 75,000/- per hearing (Half of the fee will be paid for non-effective hearing)
	b) Preparation of Special Leave Petitions/Counter Affidavit/ Written statements including reply to stay application to the suit / writ petition/ LPA/Preparation of misc./interim applications & replies, impleadment application and any other application / petition	b) Rs. 300/- per page of main text drafted (excluding the text reproduced from other documents and Annexures) subject to maximum of Rs. 1.00 Lakh. Minimum charges Rs. 10,000/- (lump-sum) per document, irrespective of number of pages in the document.
	c) Consultation/Conferences	c) Rs. 10,000/- (Maximum upto 5 consultations/ conferences)
	d) Advocate on record	d) Rs.15,000/-
2.	Filing of Caveat	Rs.15,000/-
II. Before the High Court / National Green Tribunal		
1.	a) Appearance	a) Rs. 50,000/- per hearing (Half of the fee will be paid for non-effective hearing)
	b) Preparation of Special Leave Petitions/Counter Affidavit/ Written statements including reply to stay application to the suit / writ petition/ LPA/Preparation of misc./interim applications & replies, impleadment application and any other application / petition	b) Rs. 250/- per page of main text drafted (excluding the text reproduced from other documents and Annexures) subject to maximum of Rs. 75,000/-. Minimum charges Rs. 8,000/- (lump-sum) per document, irrespective of number of pages in the document.
	c) Consultation/Conferences	c) Rs. 6,000/- (Maximum upto 5 consultations/ conferences)
2.	Filing of Caveat	Rs. 12,000/-
III. Other Courts and Domestic Arbitration in Non-JICA Contract		
	a) Appearance	a) Rs. 10,000/- (Half of the fee will be paid for non-effective hearing).
	b) Preparation of Petitions/ Written statements/ replies / rejoinder/appeal, preparation of interim petition	b) Rs. 200/- per page of main text drafted (excluding the text reproduced from other documents and Annexures) subject to maximum Rs. 30,000/-. Minimum charges Rs. 7,000/- (lump-sum) per document, irrespective of number of pages in the document.
	c) Consultation/Conferences	c) Rs. 2,500/- (Maximum upto 5 consultations/ conferences)



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.):

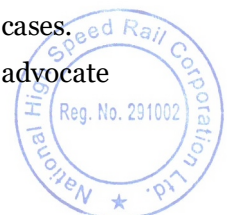
Sl. No	Subject	Schedule of Fees (excluding taxes)
1	Vetting of Documents- Agreements & any other documents. Notices/ Reply to Notice other than pending court cases, legal notices & its replies.	Rs. 200/- per page of main text drafted (excluding the text reproduced from other documents and annexures) subject to a maximum of Rs. 30,000/-. The page margins, spacing, indents, etc should be as per the court norms. Minimum charges Rs. 15,000/-

C. Advisory Services (Opinions etc.):

Sl. No	Subject	Schedule of Fees (excluding taxes)
1	Fee for written opinions as and when required on interpretation of law, opinion on documents when specially mentioned to opine on specific issue/issues. Note: No fee will be paid in case of written opinion given in contesting / pending cases	Rs. 500/- per page of main text drafted (excluding the text reproduced from other documents and annexures) subject to a maximum of Rs. 50,000/-. The page margins, spacing, indents, etc should be as per the court norms. Minimum charges 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. However, NHRCL reserves the right to periodically review the same.
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. **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.
4. 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 1/4 of the fees in rest other cases upto 10 cases.
5. The Law firm will be paid fees with respect to appearance of only one advocate



of the firm.

6. Clerkage will be paid @ 5% against professional fee only.
7. 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 NHSRCL.
 - 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 NHSRCL
8. No TA/DA will be paid for attending meeting/conference to be held in Delhi.
9. 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 NHSRCL'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/ NHSRCL 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.
10. **No retainer fee** shall be paid to any empaneled Advocate or Law firm.
11. No advance payment shall be made.
12. 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. 1,000/-, the counsel shall be required to produce bill thereof.
13. The day-to-day proceedings in the cases assigned to the empaneled advocate shall be intimated in writing or by e- mail to GM (Finance & Law).
14. The performance of empaneled Advocates shall be continuously monitored and examined by the GM/Director and their continuance with NHSRCL shall depend on their performance.
15. NHSRCL reserves the right to cancel the name of any empaneled Advocate without assigning reason thereof.
16. After completion of case, expiry of tenure, or de-panelment of Advocate or decision to withdrawn 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 NHSRCL without any demur and final payment, if any, will be made after receipt of the relevant documents/ files.
17. TDS as per applicable rules will be deducted from all payment.



Annexure – II

Self – Certification

This is to certify that:

- a) I / we fulfill all the requirements laid down for empanelment under the heading Terms & Conditions (General) & Terms & Conditions (Work distribution) and also agree to abide by all the conditions mentioned under the heading Compliance Certificate (given under Clause 7,8 & 9 respectively of the EOI).
- b) I / we are not debarred in terms of the provisions mentioned in Clause 10 of EOI.
- c) I / we are a regular taxpayer and certify that our annual Turnover in one or more of the following years (F.Y.2019-20/2020-21/2021-22) was above Rs. 18 lakhs
- d) I / we have experience of 15 years or more in litigation / advisories in matters as calculated from date of enrolment as defined in clause 4 (i).
- e) I/ we have an independent office setup at Delhi/Noida/Gurugram/Ghaziabad with requisite infrastructure, resources and have an adequate bench strength of dedicated associates.

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: _____



Annexure – II (A)

Application format (On letter head of Advocate/Law Firm)

1. Name (Advocate/Law Firm) :
2. a) Date of Birth (for Law Firm Date of Birth of Managing Partner) :
b) Age :
[Cut-off date – 31 August,2022, Please refer
Clause 4(ii) 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 Enrolment certificate, refer to
Clause 4 (i) of EOI)
4. Details of Post Qualification Experience:
a) Total no. of years of experience (to be calculated from date of enrolment) :
b) Court where regularly practicing (with date) :
(if, applicant is Law Firm details of Managing Partner be provided)
5. Official Address :
Mobile and Telephone No. with STD code :
Fax. No. with STD Code :
Email address :
PAN no. :
GST No. (if any) :
6. Empanelment with any Government Company/PSU/Entity involve in
infrastructural development:

Sl. No.	Name of Central Government Department/Government Company/or any undertaking or entity where ownership of Central Government is 50% or more [Refer Para 4 (vii) & Para 5 Sl. No. 5]	On panel since (Please provide a copy of empanelment)
1		
2		
3		
4		
5		

7. **I**
Details of the litigation and arbitration and/or advisory work in matters pertaining to such Infrastructure project contracts for contract value of more than Rs. 100 Cr.
[Refer to Para 4 (iii) (a) & Para 5 Sl. No. 2]:



Sl. No.	Case No. with name of court/Subject of advisory work	Name of the Parties	Work for which litigation arose	Value of Project/work (in Rs.)	Brief description
1					
2					
3					

II

Details of the matter related to Project Financing of Infrastructure Projects (of value more than Rs. 100 Cr), Land Acquisition matters (for project value more than Rs. 100 Cr) on behalf of acquisition authority or end user [Refer to Para 4 (iii) (b) & Para 5 Sl. No. 3]:

Sl. No.	Case No. with name of court/Subject of advisory work	Name of the Parties	Work for which litigation arose	Value of Project/work (in Rs.)	Brief description
1					
2					
3					

III

Details of the Taxation/Corporate Law Case/Opinion [Refer to Para 4 (iii) (c) & Para 5 Sl. No. 4]:

Sl. No.	Case No. with name of court/Subject of advisory work	Name of the Parties	Work for which litigation arose	Value of Project/work (in Rs.)	Brief description
1					
2					
3					

8. Whether the Law firm/Advocate has dealt with litigation and/or advisory work in the matter of projects funded by Multilateral Development Bank (MDB) like World Bank, JICA, ADB etc. in the last three calendar years? If yes, fill details as under:

The cases defended [Refer to Para 5 Sl. No.6]:

Sl. No.	Case No. with name of court/Subject of advisory work	Name of the Parties	Work for which litigation arose	Value of Project/work (in Rs.)	Brief description
1					
2					
3					

9. 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.
3. I have verified the details indicated above and do confirm that all the information submitted is true.

Signature and seal:

Name of Advocate / Authorized Signatory of Law Firm:

(IN BLOCK CAPITALS)

Designation: _____

Place:

Date:

