

NOTICE INVITING APPLICATIONS FOR EMPANELMENT OF
ADVOCATES/LAW FIRMS

REQUIREMENT OF ADVOCATES/LAW FIRMS FOR EMPANLEMENT
TO REPRESENT BRIDCUL BEFORE VARIOUS COURTS

Introduction

For carrying out various construction works and development of infrastructure facilities in the State, Bridge, Ropeway, Tunnel and Other Infrastructure Development Corporation of Uttarakhand Limited (BRIDCUL) has been created vide G.O. no. 406/94-Adhistan/2006 dated 01.02.2008 under Public Works Department. Mandate of the BRIDCUL, as given in its Memorandum of Association, is as under:-

- (i) To construct, execute, carryout, improve, work, develop, administer, manage, control or maintain all types of buildings, bridges, highways, roads and other infrastructure projects.
- (ii) To plan, execute, carryout, improve, manage, control or maintain any infrastructure project e.g. expressways, roads, bridges, buildings, ropeways, tunnel, flyover, airports, townships etc and levy, collect toll or award the infrastructure project on its own or through a company, firm, cooperative society, individual etc. on the basis of a suitable Public Private Partnership (PPP) modality.
- (iii) To maintain a panel of independent experts, consultants, engineers, laboratories etc. To plan, advise, execute, manage and examine quality of work being carried out by the Nigam or any other agency on the instructions of the said agency or the Government of Uttarakhand with or without the charges.
- (iv) To develop and provide consultancy and construction services in India and abroad.

The Law firms and practicing advocates who are registered with Bar Council of India /State Bar Council are eligible for empanelment. The Qualification, Experience, Schedule of Fees, Other Terms and Conditions and the application format in which the application has to be made, have been prescribed and are as given below.

The Advocates/ Law Firms who are on the existing panel of BRIDCUL shall cease to be on the panel of BRIDCUL after new panel is finalized against this notice. Therefore, they are also required to apply afresh to this notice.

Eligible Law Firms and practicing advocates may send their applications in the format prescribed in *Annexure "A"* enclosed herewith along with all supporting documents (scanned) to the email id : bridcul@gmail.com

The hard copy of the Application may also be forwarded to the below mentioned address:

General Manager (Human Resource)

Bridge, Ropeway, Tunnel and Other Infrastructure Development Corporation of
Uttarakhand Limited
Head Office, Opp. Govt. ITI Niranjanpur, Majra,
Saharanpur Road, Dehradun-248001

Tel: 011-0135-2522941

The last date of receiving Applications in the prescribed format along with supporting documents is 30 May 2017.

Note: Applying for empanelment at BRIDCUL does not confer any right/assurance whatsoever that they will be empanelled on the panel of BRIDCUL. Letters to advocates confirming their empanelment will be issued by BRIDCUL 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 BRIDCUL 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 meaning;

- (i) 'Advocate' means an advocate, entered in any roll of advocates under the provisions of The Advocates Act, 1961 (The Act).
- (ii) 'Competent Authority' shall be the MD BRIDCUL or any other officer so designated by the MD BRIDCUL.
- (iii) 'Court' shall mean all courts of law including District Courts, High 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 recorded. And in addition to the above, effective hearings are according to the High Court Rules.
- (v) 'Non-effective Hearing' shall mean all hearings that 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

- (i) The Advocates/ Firms should be familiar with various branches of law especially those concerning laws of Regulatory matters related to Construction / Infrastructure Disputes, constitutional /service law, labour law, contract law, commercial law, property laws and taxation etc.
- (ii) For empanelment with BRIDCUL as Panel Advocate an individual advocate/ Partner/Associate of the firm must have at least Ten (10) years of experience as a practicing Advocate.
- (iii) There would not be any court specific empanelment however, while referring cases to Advocates the following would be the criterion for such referrals:

- a) For designation of an Advocate to handle the cases before the Hon'ble High Court and District Court:- Atleast 10 yrs. Experience is required.
 - b) Further for designation of an Advocate to handle the cases before Supreme Court of India and High Court of Uttarakhand regularly would be preferred, if they are otherwise found to be competent and eligible.
 - c) For designation of an Advocate to handle the cases before all the other courts not mentioned above: - At least 10 yrs. Experience.
- (iv) The Competent authority and the Law Officer of Corporation will decide the referrals of the specific matter and case of empanelled advocate.
- (v) **Infrastructure Facilities:**
- a) Advocates/ Firms should have their own chambers in High Court/ District Courts and should have good office space with facilities like telephone, fax, computers, internet, etc .
 - b) The advocate/ firm must have adequate manpower.

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 by the Competent Authority and Law Officer of BRIDCUL. 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 BRIDCUL. The BRIDCUL 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 BRIDCUL is a necessary party.
- (ii) Proforma matters:- where the BRIDCUL is a proforma party in matters pending before any court, the same may be taken care of by the officers of the BRIDCUL. However, the Advocates may be engaged if deemed necessary in exceptional cases by the Competent Authority.
- (iii) The size of the panel and number of Advocates in Panel shall be determined by the Competent Authority based on the requirement and quantum of work. The volume of work

shall be assessed on the basis of the pending cases in the preceding year and the fresh cases likely to be added in the succeeding years. Presently **total 10 advocates** (5 High Court Level and 5 District Court Level) shall be empanelled for BRIDCUL. BRIDCUL reserves the right to include more advocates in the panel as it deems fit.

- (iv) The panel shall consist of Advocates from diversified fields viz. Constitutional law, Civil law, Commercial law, Property law, Contract Law, Taxation law, Corporate law, Contract Labour Act etc. having the expertise, experience, performance and conduct of advocates in these fields in general or experience in dealing any other cases of BRIDCUL.
- (v) Cases involving similar issues/points of law or otherwise interlinked or clubbed may be entrusted to the same Advocate as far as possible, while care shall be taken to avoid concentration of cases in the hands of one Advocate/a few advocates/law firm.
- (vi) 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.
- (vii) 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.
- (viii) 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 BRIDCUL, if required.
- (ix) The Advocates empanelled under these guidelines shall not be employees of BRIDCUL for any purpose and therefore, shall not be eligible for any benefits available to its employees.
- (x) The empanelled Advocate shall maintain absolute secrecy and confidentiality about the cases of the BRIDCUL as required under the Act and rules/regulations framed there under.
- (xi) The advocates shall accept the terms and conditions of the empanelment as determined by the BRIDCUL from time to time.
- (xii) These guidelines shall also be applicable to the designated Senior Advocates of the High Courts for all purposes except the requirement of empanelment.
- (xiii) In case of empanelment of Law Firms, all the terms and conditions for empanelment of the individual Advocates shall apply *mutatis mutandis* to them.
- (xiv) 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 BRIDCUL 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 MD, BRIDCUL 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"** with these guidelines as amended from time to time.
- (ii) The Competent Authority and Law Officer 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 that have not been mentioned in the schedule till the appropriate amendment is made in this regard in the Fee Schedule by the

BRIDCUL.

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

5) **Procedure for Empanelment**

The Competent Authority will consider the applications for empanelment in terms of these guidelines only on merits after due notice in this regard is published on the website of the BRIDCUL as well as in leading newspaper. For this purpose, the Competent Authority may authorize General Manager (HR)/ Law officer while appraising the applications of the advocates, may consider the following points:

- (i) Length of practice and specialization.
- (ii) Proper and adequate infrastructure such as office premises, number of junior advocates, assistants, clerks and fax, mobile phone, fixed phone, internet connection etc.
- (iii) Annual income-tax return filed with the Tax Authorities.
- (iv) Track record and integrity.
- (v) If considered necessary, an enquiry with the respective Bar Council/Bar Association about the claims and conduct of the advocate to be empanelled may be made and credentials may also be verified.
- (vi) If the advocate is empanelled by other organizations/authorities, their opinion may also be obtained, if felt necessary.
- (vii) If BRIDCUL gets a large number of applications, then to select the required number of Advocates/Firms, in addition to above, the attributes like experience in representing Govt/PSU/Statutory Bodies/Construction Sector or number of cases in which the Advocate was able to get favourable outcome/decision which are reported/referred in reputed legal journals etc.

The above list is illustrative and not exhaustive. The Competent Authority may also consider any other factor relevant for empanelment.

6) **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) High School certificate in support of age of advocate (Sr. Partner in case of law firm)
- (ii) Certificates in support of educational qualifications
- (iii) Certificate of Registration with Bar Council
- (iv) Identity card issued by Bar Association / Bar Council

- (v) Details regarding representation of other Govt/PSU/Statutory Bodies/Construction Sector organizations
- (vi) Documents regarding empanelment with other Organizations, if any.
- (vii) Details regarding the cases in which the Advocate was able to get favorable outcome/decision which are reported/referred in reputed legal journals etc.
- (viii) Details of office Infrastructure.
- (ix) Acceptance of all the terms and conditions of empanelment unconditionally and unequivocally.
- (x) An undertaking from the advocate to the effect that all information furnished by him is correct.
- (xi) Other relevant information, if any.
- (xii) Registration fee of Rs. 500.00 (+ 15% Service Tax) (non- refundable) to be submitted in form of Demand Draft in the favour of MD, BRIDCUL with the application form.
- (xiii) The Empanelment fee of Rs. 5000/- (+ 15% Service Tax) in the form of Demand Draft in favour of MD, BRIDCUL shall be submitted at the time of confirmation of empanelment.

7) 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/Firms as per **Annexure-B** with acknowledgement and acceptance due. The process of empanelment shall be complete when BRIDCUL receives an acceptance letter from the advocate.

8) 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 BRIDCUL.
- (ii) An advocate shall not advise any party or accept any case against BRIDCUL.
- (iii) Empanelled advocate shall not represent in any court against the BRIDCUL.

9) 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 BRIDCUL;
- (iii) Failing to attend the hearing of the case without any sufficient reason and/or prior information;
- (iv) Not acting as per BRIDCUL'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 BRIDCUL's funds or earmarking, using the same towards his fee without BRIDCUL's permission.

- (vii) Threatening, intimidating or abusing any of the BRIDCUL'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 BRIDCUL;
- (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 BRIDCUL's case on to the opposite parties or their advocates or any third party which is likely to cause any damage to the BRIDCUL's interests;
- (xii) Giving false or misleading information to the BRIDCUL relating to the proceedings of the case; and
- (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.

10) 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 the MD, BRIDCUL and his decision in this regard shall be final and binding.

11) Settlement of Dispute :

If any conflict and dispute arise between empanelled advocate and BRIDCUL, the matter shorten in the light of ARBITRATION AND CONCILIATION ACT 1996. The Managing Director will be the sole Arbitrator.

ANNEXURE 'A'

FORMAT OF APPLICATION FOR ADVOCATES

- 1) Name
- 2) Date of birth
Age (as on)
- 3) Educational qualifications
- 4) Date of Enrolment, Name of Bar Council
(Copy of enrolment certificate must be attached)
- 5) Period of practice
- 6) Details of Experience/practice
- 7) Area of practice
- 8) Specialization, if any (constitution/taxation/service etc.)
The details of a few important cases the Advocate has dealt with/handled and reported Judgment if any.
- 9) Whether Central Govt. counsel/pleader (indicate period)]
- 10) Brief list of clients e.g. Govt./organizations/Commissions/PSUs (If any)
- 11) The courts where the Advocate is regularly practicing (Enclose Bar Association Membership Certificate- High Court & District Court)
- 12) PAN number
- 13) Any Experience Certificate

A brief note on suitability for empanelment. *(details of major cases dealt/ contested by the advocate successfully)*

- i) I declare that I have never been penalized by any bar council in any Disciplinary Proceedings.**
- ii) I also undertake to maintain absolute secrecy about the cases of the BRIDCUL as required under the Act, Rules and Regulations thereunder.**
- iii) I agree with the Fee Schedule notified by BRIDCUL.**

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 BRIDCUL's Advocate

This is with reference to your application No-----dated ----- wherein you have evinced interest for empanelment as an advocate with the BRIDCUL. 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 BRIDCUL's terms and conditions as enumerated in the Guidelines for such empanelment.
2. Your fees would be strictly governed by the Govt. of Uttarakhand fee schedule for Panel Advocates as amended from time to time and you will not claim any retainer fee or employment in BRIDCUL's service.
3. You will not accept any case against the BRIDCUL.
4. You will take necessary steps to protect the interest of the BRIDCUL 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 BRIDCUL'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, BRIDCUL may at any time, at its discretion, withdraw from you such proceedings/matter/ brief and may discontinue you as BRIDCUL's advocate without paying any further fees.
8. You will keep BRIDCUL informed about the developments in the matters entrusted to you.
9. Unless a case is specially assigned to you by the BRIDCUL, you will not on your own receive Summons / Notices of the BRIDCUL'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 BRIDCUL in this regard.

10. You shall not use BRIDCUL's name or symbol, logo in your letterheads, signboards, name plates etc.
11. In case of any misconduct, the BRIDCUL will take appropriate action against you which includes filing complaint with Bar Council and recovery of financial loss caused to the BRIDCUL due to your misconduct.
12. In case of initiation of any disciplinary proceedings/ criminal proceedings against you, the BRIDCUL 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, BRIDCUL 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 BRIDCUL 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 BRIDCUL.
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 Payment Schedule as per Uttarakhand Govt. GO No. 136(1)/XXXVI(1)/2016-43एक(1)/2003 Dated 10.03.2016

S. No.	Designation Equivalent to	Fees Per Appearance Per Day Before The Court
1.	Additional Advocate General	Rs. 12000/- (Rupees Twelve Thousand Only)
2.	Deputy Advocate General	Rs. 6500/- (Rupees Six Thousand Five Hundred Only)
3.	Chief Standing Council and Standing Council	Rs. 4500/- (Rupees Four Thousand Five Hundred Only)
4.	Additional Chief Standing Council	Rs. 4000/- (Rupees Four Thousand Only)
5.	Standing Council	Rs. 3000/- (Rupees Three Thousand Only)
6.	Assistant Standing Council	Rs. 3000/- (Rupees Three Thousand Only)
7.	Case Holder/ Brief Holder	Rs. 2500/- (Rupees Two Thousand Five Hundred Only)