



IIM Kashipur / EOI/05/2019-20

Date: 06-01-2020

NOTICE INVITING APPLICATIONS FOR EMPANELMENT OF
ADVOCATES/LAW FIRMS

REQUIREMENT OF ADVOCATES/LAW FIRMS FOR EMPANELMENT TO
REPRESENT IIM KASHIPUR BEFORE HON'BLE SUPREME COURT ,
HIGHCOURT OF NAINITAL AND DISTRICT COURT OF KASHIPUR
UTTARAKHAND AND CONSULTANCY SERVICES

The Indian Institute of Management Kashipur (IIM KASHIPUR), an autonomous body was established by the Government of India, under Ministry of Human resource Development in 2011.

IIM KASHIPUR intends to make a panel of advocate/law firms for attending to the legal cases of IIM KASHIPUR for following fields:

1. Issues related to Establishment/service matters
2. Issues related to Labour Law/ Payment of wages.
3. Issues related to IPR, Copyright, Trademark, patent etc.
4. Issues related to Civil suits
5. Issues related to financial matters
6. Issues related to RTI matters
7. Issues related to Construction Law.
8. Issues related to Commercial Contracts and Transactional Matters.
9. Issues related to Environmental and Information Technology Law.

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 IIM KASHIPUR shall hold to be on the panel of IIM KASHIPUR after new panel is finalized against this notice. Therefore, they are not 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) for the field they are interested to the email id : cao@iimkashipur.ac.in

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

Chief Administrative Officer,
Indian Institute of Management Kashipur
Kundeshwari, Kashipur
Uttarakhand Pin 244713

The last date of receiving Applications in the prescribed format along with supporting documents is 27th January 2020.

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

GUIDELINES FOR EMPANELMENT OF ADVOCATES/ LAW FIRMS

Following guidelines are to provide and regulate the manner and procedure for empaneling the advocates to represent and assist the IIM KASHIPUR 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 Chairman IIM KASHIPUR or any other officer so designated by Chairman IIM KASHIPUR.

(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

(i) The Advocates/ Firms to be taken on panel should be capable of handling matters before district, High Court and Supreme Court of India on the basis of criteria laid down below.

(ii) 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 7 years' experience for the District Courts, tribunals, High Court and while the Supreme Court would be considered for more than 15 years.

(iii) The Advocates/ Firms should have operating office at High Court of Nainital and District Court of Kashipur, Udham Singh Nagar, Uttarakhand.

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 IIM KASHIPUR. The IIM KASHIPUR 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 IIM KASHIPUR is a necessary party.

(ii) Proforma matters:- where the IIM KASHIPUR is a proforma party in matters pending before any court, the same may be taken care of by the officers of the IIM KASHIPUR. However, the Advocates may be engaged if deemed necessary in exceptional cases by the Competent Authority.

(iv) 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.

(v) 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.

(vi) 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 IIM KASHIPUR, if required.

(vii) The Advocates empanelled under these guidelines shall not be employees of IIM KASHIPUR for any purpose and therefore, shall not be eligible for any benefits available to its employees.

(viii) The empanelled Advocate shall maintain absolute secrecy and confidentiality about the cases of the IIM KASHIPUR as required under the Act and rules/regulations framed there under.

(ix) The advocates shall accept the terms and conditions of the empanelment as determined by the IIM KASHIPUR from time to time.

(x) 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.

(xi) In case of empanelment of Law Firms, all the terms and conditions for empanelment of the individual Advocates shall apply *mutatis mutandis* to them.

(xii) 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 IIM KASHIPUR 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 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 IIM KASHIPUR.

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

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) Certificates in support of educational qualifications

(ii) Certificate of Registration with Bar Council/ Id card.

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 IIM KASHIPUR 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 IIM KASHIPUR.

(ii) An advocate shall not advise any party or accept any case against IIM KASHIPUR.

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 IIM KASHIPUR;
- (iii) Failing to attend the hearing of the case without any sufficient reason and/or prior information;
- (iv) Not acting as per IIM KASHIPUR'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 IIM KASHIPUR's funds or earmarking, using the same towards his fee without IIM KASHIPUR's permission.
- (vii) Threatening, intimidating or abusing any of the IIM KASHIPUR'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 IIM KASHIPUR;
- (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;
- (ix) Passing on information relating to IIM KASHIPUR's case on to the opposite parties or their advocates or any third party which is likely to cause any damage to the IIM KASHIPUR's interests;

(x) Giving false or misleading information to the IIM KASHIPUR relating to the proceedings of the case; and

(xi) 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 Chairman, IIM KASHIPUR and his decision in this regard shall be final and binding.

ANNEXURE 'A'

FORMAT OF APPLICATION FOR ADVOCATES

- 1) Name
- 2) Date of birth
- 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 /achievements
 - a. Experience in Govt. Organization/Supreme Court/
High Court/Lower Court
 - b. Achievements, if any
- 7) Date of enrollment as an Advocate – on – Record (AOR) of the
Supreme Court and Registration No.
- 8) PAN number
- 9) Office Address:
- 10) Residence Address:
- 11) Contact Number:
- 12) E- Mail:
- 13) Categories of field for which application is made (Please tick
(√) mark)
 - a) Issues related to Establishment/service matters. ()
 - b) Issues related to Labour Law/ Payment of wages. ()
 - c) Issues related to IPR, Copyright, Trademark, patent etc. ()
 - d) Issues related to Civil suits. ()
 - e) Issues related to financial matters. ()
 - f) Issues related to RTI matters. ()
 - g) Issues related to Construction Law. ()
 - h) Issues related to Commercial Contracts and Transactional
Matters. ()
 - i) Issues related to Environmental and Information Technology
Law. ()

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 IIM KASHIPUR as required under the Act, Rules and Regulations there under.

- iii) I agree with the Fee Schedule notified by IIM KASHIPUR.

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 IIM KASHIPUR's Advocate

This is with reference to your application dated ----- wherein you have evinced interest for empanelment as an advocate with the IIM KASHIPUR. 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 IIM KASHIPUR's terms and conditions as enumerated in the Guidelines for such empanelment.
2. Your fees would be strictly governed by the IIM KASHIPUR fee schedule for Panel Advocates as amended from time to time and you will not claim any retainer fee or employment in IIM KASHIPUR's service.
3. You will not accept any case against the IIM KASHIPUR.
4. You will take necessary steps to protect the interest of the IIM KASHIPUR 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 IIM KASHIPUR'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, IIM KASHIPUR may at

any time, at its discretion, withdraw from you such proceedings/matter/ brief and may discontinue you as IIM KASHIPUR's advocate without paying any further fees.

8. You will keep IIM KASHIPUR informed about the developments in the matters entrusted to you.
9. Unless a case is specially assigned to you by the IIM KASHIPUR, you will not on your own receive Summons / Notices of the IIM KASHIPUR'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 IIM KASHIPUR in this regard.
10. You shall not use IIM KASHIPUR's name or symbol, logo in your letter heads, sign boards name plates etc.
11. In case of any misconduct, the IIM KASHIPUR will take appropriate action against you which includes filing complaint with Bar Council and recovery of financial loss caused to the IIM KASHIPUR due to your misconduct.
12. In case of initiation of any disciplinary proceedings/ criminal proceedings against you, the IIM KASHIPUR 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, IIM KASHIPUR 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 IIM KASHIPUR 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 IIM KASHIPUR.
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 IIM KASHIPUR.

The Legal Counsels will be engaged as per requirement. Payment of Fees will be made on the basis of fees of Central Govt. Counsels notified by the Ministry of Law & Justice, Department of Legal Affairs, Judicial Section, Government of India from time to time. The present fees based on Office Memorandum No. 26(1)/2014/judl. dated 1st October, 2015 of the Ministry of Law & Justice is as under:

A) High Court

Sl. No.	Item of work	Fees
1	Suits, Writ Petitions and Appeals, including oral Applications for Leave to Appeal to Supreme Court in Writ Petitions.	Rs. 9000/- per case per day of effective hearing in case of non-effective hearing Rs. 1500/- per day subject to maximum of 5 hearing
2	Application for Leave to Appeal to Supreme Court in Writ Petitions-	Rs. 3000/- per case
3	Settling pleadings	Rs. 3000/- per case
4	Miscellaneous Application	Rs. 3000/- per case
5	Conference	900/- per conference subject to:- (i) for setting pleadings- one conference. (ii) In respect of hearing of Writ matters. Suits. appeals and Supreme courts leave applications etc- Three conference

		[Maximum]
6	Miscellaneous and out of pocket expenses	As per actual to the satisfaction of IIM KASHIPUR.

B. Counsel In Supreme Court:-

Sl. No.	Item of work	Fees
1	All Regular Appeals and defended Writ Petitions (for final hearing)	Rs. 9000/- per case per day
2	All defended Admission matters (SLP/TP and writ petitions & other misc. matters for admission)	Rs. 4500/-per case per day
3	Drafting SLP/Counter Affidavit/ Rejoinder etc.	Rs. 1500/- per case
4	Drawing Written Submission	Rs. 3000/- per case
5	Drafting of Appearance in Miscellaneous Applications (including mentioning of the case/Caveat/Clearance/obtaining the number and taking date for hearing)	Rs. 3000/- per case

C) Counsel in the District and Subordinate Courts:-

Sl. No.	Item of work	Revised fee
1.	Fee for effective hearing	Rs. 1800 per day
2.	Fee for non-effective hearing	Rs. 600 per day (not more than 5 such hearings in a case)
3.	Fee for drafting Written Statement, Grounds of Appeal etc.	Rs. 1500 per pleading
4.	Fee for drafting other pleadings of misc. nature misc. nature	Rs. 600 per pleading
5.	Fee per Conference	Rs. 900 (subject to maximum of 5 such conferences in a case / group of identical cases)
6.	Daily fee for out of Headquarters	Rs.2700 per day
7.	Conveyance charges for local journey outside Headquarters	Rs. 900 [lump sum]
8.	Expenses for stay in hotels	Rs. 1800 per day
9.	Clerkage	@ 10% of total fee excluding of miscellaneous

10.	Fee for identical Cases	Full fee in the 1st case and Rs. 750 in per suit for connected cases (max. 3 cases)
11.	Miscellaneous and out of pocket expenses	As per actual subject to the satisfaction of IIM KASHIPUR.
12	Consultancy Charges	To be decided mutually based on assignment/subject matter.

Note: Apart from the rates mentioned above for different heads, if any head has been left out the rates would be applicable as per the rates notified by Ministry of Law & Justice, Department of Legal Affairs, Judicial Section, Government of India from time to time.

(s/d)

Chief Administrative Officer
IIM Kashipur