

EXPRESSION OF INTEREST FOR EMPANELMENT OF ADVOCATE

Requirement of advocates/Law Firms for Empanelment to represent Odisha State Civil Supplies Corporation Ltd.

The OSCSC intends to have a panel of Advocates/Firms for representing OSCSC before various Courts, Forum and Tribunals.

The Law Firms and practicing advocates who are registered with the Bar Council of India/State Bar Council are eligible for empanelment. The qualification, experience, schedule of fee, other terms and conditions and the proforma application in which the application has to be made, have been prescribed by OSCSC Ltd. for representing/assisting OSCSC before various Courts, Forum and Tribunal etc. The same is available on the Corporation website. Eligible Law Firms and Practicing advocates may send their applications within 30 days after the date of the advertisement to :

The Managing Director,
Odisha State Civil Supplies Corporation Ltd.,
C/2, Nayapalli, Bhubaneswar-12.

GUIDELINES FOR EMPANELMENT OF ADVOCATE

A) Eligibility criteria for empanelment

- i) The Law Firms and Practicing advocates should be familiar with various branches of law especially those concerning civil law, service law, contract law, commercial laws, Labour Laws and tender guidelines.
- ii) In addition to above, the Advocates are required to have the minimum professional/court practice experience as under :
 - a) For empanelment for the Supreme Court of India at least 15 years of experience in Supreme Court as an Advocate.
 - b) For empanelment for the High Court in India at least 10 years of experience in High Court as an independent advocate.
 - c) For empanelment for the Subordinate Courts/Tribunal/Forums at least 8 years of experience in Subordinate Courts/Tribunals/Forums as an independent Advocate.

Provided that the OSCSC may relax the above conditions of its discretion, if otherwise found suitable in certain cases.

For considering empanelment for the Supreme Court, generally those Advocates who are regularly practicing including Advocates-on-Record of the Supreme Court would be considered, if they are otherwise found to be competent and suitable.

B) Documents to be submitted by the Advocate

The Advocates will be required to furnish their Bio-data as per the format given in Annexure – A. The self attested copies of the following documents required to be submitted with application:

- a) High School Certificate in support of age.
- b) Registration with Bar Council.
- c) Identity card issued by Bar Association/Bar Council.
- d) Copies of empanelment with other organizations.
- e) Certificate in support of educational qualifications.
- f) An undertaking from the advocate to the effect that all information furnished by him is correct and he is willing to obide by the terms and condition as to empanelment and fees.

C) Procedure for Empanelment

The OSCSC will consider the bio-data for empanelment only on merit after due notice in this regard is published on the website of the OSCSC. While considering the request from the advocates following points shall be considered :

- i) Length of practice and specialization in the area of law concerning the OSCSC.
- ii) 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.
- iii) Track record and integrity.
- iv) If considered necessary, on enquiry in the respective Bar Council/Bar Association about the claims and conduct of the advocate to be empanelled can also be made and credentials may be verified.
- v) If the advocate is empanelled by other regulators/organisations, opinion of those organisation may be obtained.

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

D) Tenure/term of Empanelment :

The initial empanelment will be for one year or until further orders whichever is later. 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 one year by OSCSC. However, the OSCSC reserves its right not to empanel any advocate or renew its period or terminate it empanelment any time without assigning any reason. Upon termination concerned lawyer shall return the brief to the OSCSC along with connected documents and records with no objection certificate. **In case of termination, the concerned advocate is only entitled for the professional fee for those tasks which he had completed during handling the case.**

E) General terms & condition :

- i) The advocate shall not necessarily be empanelled for specific court and shall accept the work assigned to him and shall not refuse to accept any work without reasonable cause.
- ii) Refusal by any advocate to accept any work otherwise than on grounds of conflict of interest, may entail removal of such advocate from the panel. Similarly, no advocate as long as his name is on the panel shall contest any matter against the OSCSC.
- iii) The empanelled Advocate will not delegate cases and 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 OSCSC, if required.
- iv) The Advocates empanelled under these guidelines / Advertisement shall not be employees of the OSCSC and therefore, shall not be eligible for any salary or benefits available to its employees.
- v) The empanelled Advocate shall maintain absolute secrecy and confidentiality about the cases of the OSCSC as required under the Act and rules / regulations made there under.
- vi) The advocates shall accept the terms and conditions of the empanelment as determined by the Institute in full and also modification from time to time.
- vii) These guidelines/Advertisement shall also be applicable to the designated Senior Advocates of the High Courts and Supreme Court for all purposes except the requirement of empanelment.

- viii) In case of empanelment of Law Firms, all the terms and conditions for empanelment of the individual Advocates shall apply mutatis mutandis to them.
- ix) If required and considered appropriate by the OSCSC, Designated Senior Advocates may be engaged to argue the cases on behalf of the OSCSC 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 OSCSC.

F) Payment of Fee and other conditions :

- i) The fee payable to the Advocate shall be governed by the Schedule of fee structure annexed with this advertisement as amended from time to time.
- ii) The advocate empanelled/engaged may claim the fee for appearance only on the basis of effective hearing up to 3 hearings only or non effective hearing up to 3 hearings only. On production of daily orders alongwith the bill for each date of hearing.
- iii) **Where two or more cases involving substantially identical or similar questions of law or facts, one of such cases will be treated as a lead case and others as identical/connected cases and the advocate/counsel shall be paid full fee for the main case and 50% of the fee of main case for each of the identical or similar/connected case.**
- iv) If a Senior Advocate or an Advocate is required to appear in a Court, forum and tribunal which is situated at a place other than the place where he ordinarily practices he shall be entitled to travel, expenses for travel by air (economy class) or 2nd AC by train, Taxi/Auto fair, Rs.200 per day or reasonable actual expenses upon production of bill, whichever is higher, for the journey from his office to the airport/railway station and vice-versa and from the airport/railway station to the place of his stay and Court. He will also be entitled to a reasonable actual expenses for stay in Hotel, subject to a maximum of Rs. 2500/- per day.
- v) Prior sanction of the OSCSC is to be obtained for appearance of the Senior Advocate or on Advocate of a place other than the place where he ordinarily practices justifying the reasons as to why the local Senior Advocate or an Advocate is not to be engaged.
- vi) The OSCSC shall have the right in exceptional cases to order for payment of fee more than the fee mentioned in the Schedule keeping in view the importance of the matter and the labour and effort 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 or till the appropriate amendment is made in these guidelines/advertisement by the OSCSC.

- vii) No retainer fee or any other fee shall be paid to any panel Advocate/law firm merely because such advocate/firm has been empanelled.
- viii) For giving an appointment on retainer fee basis to the empanelment advocate prior approval of the OSCSC in this regard is required.
- ix) **During the pendency of a proceeding if an Advocate is changed for some reason or the other, fee commensurate to the work done by the outgoing Advocate may be paid. In such an event the balance of fee payable in the case will be paid to the new Advocate as per admissibility. However, fee for further effective and ineffective hearings with a cap in of 3 hearings will be paid even if the same has been initially availed by the outgoing Advocate.**
- x) The Advocate shall not be entitled for any special fee in the normal course. Only in rare cases where the nature of the work is so intricate and complicated involving question of law and arduous work with multiplicity of hearing etc., a reasonable claim for special Fee can be considered for approval with the concurrence of Competent Authority under Delegation of Power.
- xi) **For the purpose of regulating the Advocate Fee the CAT, CIC, Competition Commission, Competition Appellate Tribunal, Arbitral Tribunals, Consumer State Commission, Consumer National Commission and NIT will be considered equivalent to the High Court and rest of the Forums & Tribunals will be considered equivalent to the Lower Court.**
- xii) If the empanelled Advocate before the Supreme Court is required to appear before the High Court/Lower Court/Forums/Tribunals, the Advocate will be entitled to the Fee as applicable before the Supreme Court and if the empanelled Advocate before the High Court is required to appear before the Lower Court/Forums/Tribunals, the Advocate will be entitled to the Fee as applicable before the High Court.
- xiii) In the event of any doubt or difference in the interpretation of any of the provisions of this circular the decision of Managing Director shall be final and binding on all concerned.

G) Right to 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 OSCSC.

- ii) An advocate shall not advise any party or accept any case against the OSCSC in which he has appeared or is likely to be called upon to appear or advise.
- iii) 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 the OSCSC arising in any Court.

H) Disabilities :

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 OSCSC.
- iii) Failing to attend the hearing of the case without sufficient reason and prior information.
- iv) Not acting as per the OSCSC instructions or going against specific instruction.
- v) Not returning the brief when demanded or not allowing or evading to allow its inspection on demand.
- vi) Threatening, intimidating or abusing any of the OSCSC's employees, officers, or representatives.
- vii) Making any of his associates or juniors to appear on behalf of any of the opposite parties in cases/appeal related to OSCSC's without permission.
- viii) Committing an act that amounts to contempt of court or professional misconduct.
- ix) Conviction of the Advocate if any offence resulting in arrest or detention or debarment by the Bar Council.
- x) Passing on information relating to the OSCSC's case on to the opposite parties or their advocates which is likely to cause damage to the OSCSC's interest.
- xi) Frequent adjournment being obtained or not objecting to the adjournment moved by other party without sufficient reason.
- xii) Empanelment shall be liable to be cancelled due to occurring of any of the above disabilities on the part of the Advocate.

Notwithstanding anything stated herein above, the OSCSC reserves its right not to empanel any advocate even on fulfilling the eligible criteria or postpone or cancel the process of Empanelment or terminate the empanelment of any advocate at any time for the OSCSC without assigning any reasons in this regard.

FORMAT OF BIO-DATA FOR ADVOCATE

1) Name

2) Date of birth

Age (as on date of application)

3) Educational qualifications

4) Date of Enrolment, Name of Bar Council

(Enclose attested copy of enrolment certificate)

5) Period of practice

6) Details of Experience/practice

7) Area of practice

8) Specialisation, if any (constitution/taxation/service etc.)

The details of a few important cases the Advocate has dealt with
handled and reported judgement if any.

Whether Central/State Govt. Counsel/pleader (indicate period) (With
documentary evidence)

9) Brief list of clients e.g. Govt./organisations/institutes or Autonomous
body/PSUs (Enclose the documentary evidence)

10) The courts where the Advocate is regularly practicing (Enclose
attested copy of Bar Association Membership Certificate)

11) Date of enrolment as an Advocate-on-record of the Supreme
Court and Registration No.

12) Income Tax PAN number (Enclose Copy of PAN Card)

13) A brief note on suitability for empanelment.

I declare that I have never been penalised by any bar council in any
Disciplinary Proceedings. I also undertake to maintain absolute
secrecy about the cases of the OSCSC as required under the Act
Rules and Regulations there under..

Signature of Advocate

Address (office & residence/chamber)

Tel. No.

Mobile No.

Fax No. E-mail

