

## **NOTIFICATION**

**No. DFC/ADI/Advocate Empanelment/1/2014**

**Date: 08/12/2014**

### **Sub: Empanelment of Advocates and Law Firms**

.Dedicated Freight Corridor Corporation of India (DFCCIL) is a Special Purpose Vehicle set up under the administrative control of Ministry of Railways to undertake planning & development, mobilization of financial resources and construction, maintenance and operation of the Dedicated Freight Corridors. DFCCIL was incorporated in October 2006 under Indian Companies Act 1956.

In the first phase, DFCCIL will be constructing two corridors – the Western DFC and Eastern DFC- spanning a total length of about 3300 route km. The Eastern Corridor, starting from Ludhiana in Punjab will pass through the states of Haryana, Uttar Pradesh, Bihar and terminate at Dankuni in West Bengal. The Western Corridor will traverse the distance from Dadri to Mumbai, passing through the states of Delhi, Haryana, Rajasthan, Gujarat and Maharashtra.

DFCCIL will carry out the work including land acquisition.

DFCCIL is desirous to form Panel of Advocates/Law firms at various levels of courts i.e. District Court, High Court of Gujarat and before Arbitrators comprising of Practicing Advocates and Law Firms to deal with the legal issues of the organisation

#### **1. Eligibility:**

##### **a) Essential:**

- i. Lawyers or Legal Firms shall have independent experience of ten years in handling the cases relating to Land matters / Revenue matters/ Contractual matters/ Arbitration matters/Service matters/ Company Law matters/Taxation/labour laws company laws, civil suits, writ matters and constitutional laws in the court applying for.
- ii. They should be currently practicing in the relevant fields.
- iii. They should have independent office set up with library, and clerical staff.
- iv. Copy of Income Tax Returns (ITR) filed for the last three years to be attached.

b) **Desirable:**

- i. Experience of dealing with similar matters preferably in Railways, other Central or State Government Departments, PSU's Local Bodies etc.
- ii. Knowledge of State Laws pertaining to land and revenue.
- iii. Knowledge of translation of documents from Local Language to English.

2. **Term:**

- i. The currency of the panel will be two years from the date of notification of panel.
- ii. The term can be terminated by giving one month's notice by either side.
- iii. The term can be extended for one year on the basis of satisfactory Performance of the counsel/Firm.

3. **Nature of Work:**

- i. The Lawyers or Legal Firms will be required to handle cases in the courts .
- ii. Giving oral and written opinion on issues relating to the business of DFCCIL which are referred to them.
- iii. Legal Vetting of tenders, contracts, documents related to the transaction of business of DFCCIL and referred to them by the DFCCIL
- iv. Drafting of Legal documents in connection with the business of DFCCIL
- v. Participation in discussion/conference on behalf of DFCCIL and with their clients.

4. **Maintaining Professional Ethics**

During the Term of Empanelment and thereafter the Law Firm/Advocate shall maintain strict confidentiality of the matters pertaining to the DFCCIL They shall not accept any case against the DFCCIL organization during the term.

5. **Mode of Empanelment**

Applications received in response to notification will be scrutinized and Applicants will be screened w.r.t. the criteria mentioned above. Documents submitted by eligible applicants will be got verified with original documents.

7. **Place of Panel:**

The panel will be formed at the following places:-

**High Court Gujrat** - Ahmedabad

**District Court:**

Banaskantha ,Patan, Mahesana,Gandhinagar, Ahmedabad, Kheda,Anand.

8. **Payment of Professional Fees :**

Payment of fees will be at the DFCCIL approved rates.' The approved rate list is enclosed with this notification as annexure-B,C&D.

6. **Closing date of Application**

Application along with all the documents should reach the office of DFCCIL within one month from the date of publication of notification in news paper or 15/01/2015 which ever is later.

. 9. **Submission of Application**

Advocates and Legal Firms desirous of applying for empanelment may submit in the format provided at Annexure-A..The format is also available on the website [www.dfccil.gov.in](http://www.dfccil.gov.in)

The application on the prescribed format may be sent to-

Chief Project Manager  
Dedicated freight Corridor Corporation of India Ltd  
First Floor, Old DRM Building, Kalupur Ahmedabad- 380 002.

Applications will not be considered by Fax or through E-mails. Applications received earlier to this notification or after the closing date of this notification will not be considered.

**Chief Project Manager  
DFCCIL/Ahmedabad**

**ANNEXURE -A**

**SUB: APPLICATION FOR EMPANELMENT AS ADVOCATE/LAW FIRM IN DFCCIL**

**REF: NOTIFICATION No. DFC/ADI/AdvocateEmpanelment/1/2014 Date: 08/12/2014**

<b>Sr.No</b>	<b>Information Details</b>	
1	Name of Advocate / Law Firm	
2	Address with Telephone Nos. & E-Mail	
3	Academic Qualification( In case of Firms of all partners of the firm)	
4	Location and Court of Practice along with registration number and name of Bar Council	
5	Area of Specialization	
6	Whether fulfils the requisite eligibility conditions(attach list of enclosures)	Yes/No
7	Whether Documentary proof in Support of essential Eligibility attached	Yes/No
8	Whether Documentary proof in support of Desirable Experience attached	Yes/No
9	Any Other information you may Like to give	
10	List of Enclosures	

**DECLARATION**

I hereby undertake that the information given above are true and correct. I agree to the terms and conditions for engagement and placement on panel

**Place:  
Date:**

**Name & Signature of the Advocate/Authorised signatory**

**Schedule of Fee for District Court Cases:-****Annexure-‘B’**

S.No.	Item Of Work	Proposed Schedule for DFCCIL
1	Preparation Of Petition/Plaint/ Written Statement/Reply /Rejoinder/ Appeal /interim application/reply to interim application/ additional affidavit/rejoinder to the application etc.	Rs 3750/-
2	Fee For Court Appearance (a)Effective (b)Non Effective	(a)Rs.1650/- Per Day Per case (b)Rs.600/- Per Day Per Case
3	Professional Fee For Entire Case In Case of Proforma defendant	Rs 4050/-
4	Professional Fee For Bunch Cases (main+maximum 9 cases) (a) Fee for Drafting in main case (b) Drafting fee in remaining case (c) Appearance Fee for hearing in main case (d) Appearance Fee in remaining Bunch cases	(a) Rs.3750/- lump sum in main case. (b) 10% of Rs.3750/- in remaining each. (c) Full As define in item No. 2. (d) For effective hearing 10% of Rs.1650/- in remaining each and Nil for non-effective hearing in remaining.
5	Clerkage	10% of Professional Fee, maximum Rs.1950/- in a complete case. No additional amount will be paid for bunch cases.
6	Daily Fee for out of Headquarter (a) Travel Expenses  (b) Daily Fee+Lodging and other allowances including local conveyance	<b>Consolidated:</b> (a) By 2AC OR Taxi whichever is lower. However in exceptional cases in exigency of service in economy class by air with the approval of Director/DFCCIL. (b) For ‘‘X’’ Class city... Rs.3000/- per day For ‘‘Y’’ Class city ...Rs.2500/- per day
7	Reimbursement of miscellaneous expenses	On actual basis fully supported by actual bills/receipts to be given by advocate & certified by CPM
8	Fee for written opinion other than pending cases	Rs.1650/-

Note-1. The Fee Will Be Subject To Maximum Ceiling Of Rs 19500/-For Complete Case In District Court. In Bunch cases the maximum ceiling limit is Rs.19500/- for main case and for each connected cases ceiling of Rs. 2000/-.

2. Daily Fee for out of head quarter is in addition to the professional fee.

3. The clerkage, miscellaneous exp exceenses, travelling expenses & daily Fee for out of headquarters will not included for maximum ceiling limit. The item no. 1,2,3&4 will be included for ceiling limit. The clerkage @ 10% will be calculated on all professional fee of Advocate including drafting & court appearance fee but excluding out of Hqrs Fee, travelling & Misc. expenses. The Maximum ceiling limit of clerkage is Rs.1950/-. No additional amount will be paid for bunch cases on account of clerkage.

4. 1/3<sup>rd</sup> of Fee due may be paid after filing counter reply but it will not exceed 1/3<sup>rd</sup> of Maximum ceiling limit. The remaining fee will be paid after finalization.

**Schedule of Fee for Arbitration cases (Other than contractual arbitration) Cases:- Annexure-“C”**

<b><u>S.No.</u></b>	<b><u>Details Of Work</u></b>	<b><u>Proposed Schedule for DFCCIL</u></b>
1	Fee For Effective Hearing	Rs. 1,000/- per appearance.
2	Fee For Non Effective Hearing	Rs. 300/- per appearance (maximum three such hearings)
3	Fee for Drafting Arbitration Application , Reply & Misc. Application	Rs. 1500/- per case consolidated one time.
4	Identical cases where two or more cases but not more than ten cases involving the identical question of law the bunch will be made as main case plus reminder up to nine case	The full appearance fee will be paid in main case as define in SN 1&2 and Rs.100/- per case per effective hearing will be paid in connected case. The drafting fee will paid in main case only.
5	Daily Fee for out of Headquarter (a) Travel Expenses  (b) Daily Fee+Lodging and other allowances including local conveyance	<b>Consolidated:</b> (a) By 2AC OR Taxi whichever is lower. However in exceptional cases in exigency of service in economy class by air with the approval of Director/DFCCIL. (b) For “X” Class city... Rs.3000/- per day
6	Reimbursement of miscellaneous expenses	On actual basis fully supported by actual bills/receipts to be given by advocate & certified by CPM
7	Written opinion other than pending Court/Arbitration Cases	Rs.1650/-
8	Clerkage No additional amount will be paid for bunch cases on account of clerkage	10% of Professional Fee , maximum Rs. 1500/- in complete case.

Note-1. The Fee Will Be Subject To Maximum Ceiling Of Rs 10000/-For a Complete Arbitration Case. The maximum ceiling limit for main case of identical cases is Rs.10000/- and for each connected case is Rs.1000/-. The ceiling limit will applicable for item no. 1,2,3&4.

2. Daily Fee for out of head quarter is in addition to the professional fee.
3. The clerkage, miscellaneous exp exceenses, travelling expenses & daily Fee for out of headquarters will not included for maximum ceiling limit of total case.
4. The Maximum ceiling limit of clerkage is Rs.1500/-. No additional amount will be paid for bunch cases on account of clerkage.
5. 1/3<sup>rd</sup> of Fee due may be paid after filing counter reply but it will not exceed 1/3<sup>rd</sup> of Maximum Ceiling limit. The remaining fee will be paid after finalization.

**Schedule of Fee for High Court Cases:-****Annexure-‘D’**

S.N.	Item Of Work	Proposed rats for DFCCIL
1	For drafting of Special leave petition /Writ/Counter affidavit/Rejoinder/ Appeal/Interim application/Reply to interim application/affidavit/rejoinder to the application etc.	Rs 7500/- lump sum per case one time.
2	Filing Of Caveat	Rs2000/-per caveat
3	Fee for appearance before High Court (a)effective hearing (b) Non effective hearing and also about when court does not sit ,generally adjournment	(a) Rs 3000 (b) Rs 1650
4	Conference	Rs1500/-per case in
5	Professional Fee For Batch/Bunch Cases (main+maximum 9 cases) (a) Fee for Drafting main case (b) Drafting fee in remaining case (c) Appearance Fee for hearing in main case	(a) Rs.7500/- in main case one time. (b) 10% of Rs.7500/- in each remaining case one time (c) In main case as mentioned in item No. 3. (d) 10% of Rs.3000/- in each remaining case for effective hearing and no fee for non-effective hearing in remaining case.
6	Clerkage	10% of professional Fee, maximum Rs.3000/- in a complete case. No additional amount will be paid for bunch cases on account of clerkage.
7	Reimbursement of miscellaneous expenditure	On actual basis fully supported by actual bills/ receipts to be given by advocate & certified by CPM
8	Written opinion other than pending Court Cases	Rs.2250/-

Note-1. The Fee Will be subject To Maximum Ceiling of Rs 29250/-in case of petition for Complete Case. In Bunch cases the maximum ceiling limit for main case is Rs.29250/- and for each connected cases is Rs. 3500/-. This ceiling limit will be applicable to item no. 1,3 & 5. The clerkage, miscellaneous expenses will be not included for maximum ceiling limit.

2. The clerkage @10% will be calculated on all professional fee of Advocate including drafting but excluding Misc. expenses. The Maximum ceiling limit of clerkage is Rs.3000/-. No additional amount will be paid for bunch cases on account of clerkage.
4. 1/3<sup>rd</sup> of Fee due may be paid after filing counter reply but it will not exceed 1/3<sup>rd</sup> of Maximum ceiling limit. The remaining fee will be paid after finalization.

