

NOTIFICATION

No.2018/HQ/WC/I/LEGAL

Date: 25.11.2021

Sub: Empanelment of Law Firms for representing DFCCIL for Arbitration cases.

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.

DFCCIL is 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 is passing through the states of Haryana, Uttar Pradesh, Bihar and terminate at Dankuni in West Bengal. The Western Corridor traverses the distance from Dadri to Mumbai, Passing through the states of Delhi, Haryana, Rajasthan, Gujarat and Maharashtra.

At present two corridors of the DFCCIL are under the construction phase i.e the Eastern Corridor funded by the World Bank and Western Corridor funded by JICA having a project cost in excess of Rs.One lakh Crore. Various contracts awarded by the DFCCIL are under execution which were awarded through International competitive bidding to various Indian and International contractors, joint ventures and consortiums.

In order to protect and safeguard the interests of DFCCIL for various contractual disputes arising out of the contracts under execution, DFCCIL has formed a Panel of competent Law firms preferably at New Delhi to deal with cases of Arbitration to represent and defend DFCCIL.

The list of empanelled firms is proposed to be expanded with the following eligibility criteria and terms of engagement.

1. Eligibility Conditions:

A. Essential:

- i. Advocates/Law firm must have a hands on experience in dealing with International & Domestic Arbitration matters.
- ii. The Advocates/Law firm should have dealt with more than 2 Arbitration matters per year since last 5 years having the Claim value of not less than Rs.100 crores in each case.
- iii. The Advocates/ Law firm should have an independent office set up at New Delhi with requisite infrastructure, resources and must have an adequate bench strength of dedicated associates.
- iv. The Advocates/Law firm must have an annual turnover of at least Rs.5 Crores per annum. Copy of Income Tax Returns (ITR) filed for the last five years to be attached
- v. The Law firm must be counted amongst the Top-50 in the country in accordance with the rankings given by the ALB, RSG, leaders league or other rating agencies.

B. Desirable:

- I. The Advocates/Law Firm should have experience in dealing with high value arbitration matters preferably pertaining to contractual disputes emanating from large construction/infrastructure projects.
- II. The Advocates/Law Firm who have dealt with other Central or State Government Departments, Public Sector Undertakings or Large Indian Corporates will be preferred.

2. Term:

- I. The empanelment period will from the date of empanelment to 01 May, 2022.
- II. The term can be terminated by giving one month's notice by either side.
- III. The term can be extended further on mutually acceptable terms.

3. Nature of Work:

- I. The Advocates/Law Firm will be required to handle Arbitration cases from initiation of the Arbitration to it's logical and legal conclusion keeping in mind the paramount interest of DFCCIL.
- II. The Advocates/Law Firm shall examine, peruse and study the Contract agreement with all relevant and related documents in detail and have a briefing with the DFCCIL officials. The Advocates/Law firm shall review the documents and advise on strategizing the claim, and defence.
- III. The Advocates/Law Firm shall undertake all formal/informal Pre and Post Arbitral proceedings like initiation of Arbitration, nomination of Arbitrator, communication/ correspondence with Arbitral institutions/Arbitral tribunal, drafting pleadings/replies, filing Statement of Claim/Counter Claims, Arguments, Adducing evidence, Witness statements/Cross examinations, attending all hearings of the Tribunal, appeals, implementation/execution of awards and other related works while defending DFCCIL
- IV. Providing oral and written opinion on issues relating to the Arbitration matters of DFCCIL referred to them.
- V. Participation in discussion/conference with the officials of DFCCIL and on behalf of DFCCIL and with their clients.

4. Maintaining Professional Ethics

During the Term of Empanelment and thereafter, the Law Firm shall maintain strict confidentiality of the matters pertaining to the DFCCIL. They shall not accept any case directly and not advise their clients against the DFCCIL organization during the term in any manner whatsoever. Any act of omission and commission on the part of Law firm or acting prejudicially to the interests of the DFCCIL shall result in immediate depanelment of the Law firm and also result in future disqualification.

5. Mode of Empanelment.

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

6. Closing date of Application.

Application along with all the documents should reach the office of DFCCIL on or before 15.12.2021.

7. Payment of Professional Fees:

Payment of fees will be at the DFCCIL approved rates. The approved Fee Schedule for engagement of Advocates/Law firm is enclosed with this notification as Annexure-B.

8. Submission of Application Advocates and Law Firms desirous of applying for empanelment may submit their application at the DFCCIL office in the format provided at Annexure-A. The format is also available on the website <http://dfccil.com>

The applications on the prescribed format may be sent to
Shri Jitender Kumar,
Dy.G.M./Law,
Dedicated Freight Corridor Corporation of India Ltd.
5th Floor, Supreme Court Metro Station Building complex,
New Delhi-110001
E-mail: jkumar@dfcc.co.in
Mobile No. 09717636966

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.

DFCCIL 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.

Application for Empanelment of Advocate/Law Firm in DFCCIL for Arbitration

1. Name of the Advocate/Law Firm	
2. Address alongwith contact telephone/Mobile & Fax Nos.: (i) Office Address: (ii) Phone nos: (iii) Email: (iv) Fax	
3.Name of contact Person/ Associate	
4. Experience: (In Case of law firm All Partners)	Date & Number of Enrolment: Total Period of Practice: Name of Court practiced/practicing:
5. Income Tax PAN:	
6. Whether fulfills the requisite eligibility conditions:	
7. If you are/ have ever been on the panel of any other Govt Organization/ PSU's , the details thereof:	
8. Whether you are a member of a partnership Firm/ Company / Association of the Advocates, so, the name of the other Partners/member of Association may be given :	
9. If you are on panel of any other organization, kindly provide the name of the organization	
10. Any other remarks worth mentioning/area of specialization:	
11. Number of Arbitration cases presently being contested:	
12. It is declared that I am willing to act as Advocate/Law firm for DFCCIL on its extant terms and conditions, including fee terms of empanelment.	
	Signature of the Advocate/ Authorised Signatory

Note: Self attested copies of supporting documents with regard to Essential eligibility conditions and desirable conditions must be enclosed.

Date

Signature of the Advocate/Law Firm

Fee Schedule for Advocates/Law Firms in Arbitration Cases

SN	DESCRIPTION OF WORK	FEE SCHEDULE (In Rs.)
1	Fee for Study of Case/Statement of Claims and Examination of all Contract related Documents	350000
2	Drafting/Preparation of Written Statement of Claim/Statement of Defense, Counter Claim,	300000
3	Rejoinder/Interim Application/Reply to Interim Application/ Affidavit/Misc application	150000
4	Hearing or Appearances	50000 for 3 hrs 100000 for 6 hrs
5	Conference with DFCCIL Officials	9000/hr

Note: Miscellaneous expenses such as Photocopy, Travel, Lodging, cost of secretarial and support staff etc shall be paid.as per actuals based on submission of supporting documents (invoices etc) in original.