

For Publication on News paper:& WCL website

**Empanelment of Advocates.**

WCL invites bio-data in prescribed Performa from interested Advocates having minimum 10years practice as Advocate for empanelment at the following places:

Nagpur, Chandrapur, Bhadrawati, Yeotmal Ballrpur, Rajura, Wani, Umrer, Pandharkawada , Warora, Jabalpur, Betul, Chindwara, Parasia, & Junardeo.

Bio-data should reach to the HOD(legal),WCL HQ, Civil Line, Nagpur 440001 on or before 15.07.2017. For details visit ***www.westencoal.nic.in***

GUIDELINES FOR EMPLANELMENT OF ADVOCATES/LAW FIRMS

Following guidelines are to provide and regulate the manner and procedure for empanelling the advocates to represent and assist the WCL before various courts and for regulating the referrals of the cases and payment of fee/remuneration payable to such person. These guidelines shall supersede all existing instruction in this regard, If any.

**1) Definitions.**

For the purpose 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). ‘Court’ shall mean all courts of law including District Courts, any High Court, Supreme Court, Tribunals, judicial Forums and Arbitrators etc.

**2) Eligibility of Empanelment.**

- i) The advocates/Firms should be familiar with various branches of law especially those concerning laws of Regulatory matters related to Industrial disputes constitutional/ service law, labour law, commercial law, property laws , taxation, Civil & Land etc.
- ii) For empanelment with WCL as Panel Advocate an individual advocate must have at least Ten (10) years of experience as a practicing Advocate. However relaxation in experience shall be given for State/central Govt. panel advocates.
- iii) There would not be any court specific empanelment.
- iv) Infrastructure Facilities:
  - a) Advocates/ firms should have their own chambers in Supreme court, High court or major District Courts or should have good office space with facilities like telephone, fax, computers, internet, etc.
  - b) The advocate/firm must have adequate manpower.

3) General Terms and Conditions.

- i). The Advocates shall be engaged only in cases where WCL is a necessary party.
- ii) The size of the panel and number of Advocates in Panel shall be determined by the WCL 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.
- iii) 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.
- iv) 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 WCL if required.
- v) The empanelled Advocate shall maintain absolute secrecy and confidentiality about the cases of the WCL as required under the Act and rules/regulations framed there under.
- vi) The advocate shall accept the terms and conditions of the empanelment as determined by the WCL from time to time.

4 Payment of Fee and Other Conditions.

- i) The fee payable to the Advocates shall be governed by the Schedule of fee.

5. Documents required to be submitted by the Advocate.

The Advocate will be required to submit their Applications in the prescribed format as given in Annexure A.

6) 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 WCL.
- ii) An advocate shall not advise any party or accept any case against WCL.

7. 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 WCL;
- iii) Failing to attend the hearing of the case without any sufficient reason and /or prior information;
- iv) Not acting as per WCL's instructions or going against specific instructions;
- v) Not returning the brief when demanded or not allowing or evading to all its inspection on demand;
- vi) Making any of his associates or juniors to appear on behalf of any of the opposite parties in cases/ appeal related to WCL;
- vii) Committing an act that tantamount to contempt of court or professional misconduct;
- viii) Conviction of the Advocate in any offence resulting into arrest or detention or disbarment by the Bar Council;
- ix) Passing on information relating to WCL's case on to the opposite parties or their advocates or any third party which is likely to cause any damage to the WCL's interest;
- x) Giving false or misleading information to the WCL 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.

FORMAT OF BIODATA OF ADVOCATES FOR EMPANELMENT

- 1) Name
- 2) Date of birth Age(as on 30.06.2017)
- 3) Educational qualifications
- 4) Date of Enrolment, Name of Bar Council(Copy of enrolment certificate must be attached)
- 5) Period of practice/experience
- 6) Details of Experience/practice
- 7) Area of practice/experience
- 8) Specialization, if any(constitution/taxation/service etc) The details of a few important cases the Advocate has dealt with handled and reported judgement if any.
- 9) Whether Central Govt. counsel/pleader ( indicate period)
- 10) Brief list of clients e.g. Govt./organizations/Commissions/PSUs
- 11) The courts where the Advocate is regularly practicing(Enclose Bar Association Membership Certificate)
- 12) Date of enrolment as an Advocate-on-Record(AOR) of the Supreme Court and Registration No.

- 13) PAN Number
- 14) Experience of Telecom Regulatory Matters, if any A brief note on suitability for empanelment.(details of major cases dealt/contested by the advocate successfully)
- 15) EFT Details
- 16) Places where will appear without outstation fee.
  - 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 WCL/CIL as required under the Act, Rules and Regulations there under.
  - iii) I agree with the Fee Schedule notified by WCL.

Signature of Advocate

Address(Office & residence/chamber)

Tel.No. Mobile No. Fx No./Email

**Schedule of Fee for empanelled advocates of WCL**

**A. Cases before High Courts:**

**1. WRIT PETITIONS/CONTEMPT MATTERS/APPEAL BY DIFFERENT ADV:**

SN	Head	Fees
1	Consolidated Fee.	10,000.00 per case
	Misc. Expenditure	1,500.00 per case.

**2. CIVIL/CRIMINAL REVISIONS/MCC :**

SN	Head	Fees
1	Consolidated Fee.	7,000.00 per case
	Misc. Expenditure	1,000.00 per case.

**3. APPEALS THROUGH SAME ADVOCATES:**

SN	Head	Fees
1	Consolidated Fee.	7,500.00 per case
	Misc. Expenditure	1,500.00 per case.

**4. ARBITRATION MATTERS**

SN	Head	Fees
1	Fees for appearance in and around station of Advocate	750.00 per day
2	Fees for appearance at outstation	1,500.00 per day.
3	Documentation/preparation of claim/reply etc. including clerkage.	1,500.00 consolidated
4	Pre-hearing Conference/discussions if necessary	300.00 per conference

NOTE: By A/c II/Taxi subject to submission of ticket No. / taxi bill. Hotel accommodation upto Three Star actual or 1,000.00per day in non-star hotels.



B. Cases before District Courts:

1. BEFORE THE COURT OF DISTRICT JUDGE/ADDL.DISTRICT JUDGE:

SN	Head	Fees
1	Consolidated Fee.	7,500.00 per case
	Misc. Expenditure	1,500.00 per case.

2. APPEALS BEFORE THE DISTRICT JUDGE/ADDL.DISTRICT JUDGE:

SN	Head	Fees
1	Consolidated Fee.	4,500.00 per case
	Misc. Expenditure	1,500.00 per case.

3. CASE BEFORE THE JUDICIAL MAJISTRATES/CIVIL JUDGES, CLASS I & II

SN	Head	Fees
1	Consolidated Fee.	4,500.00 per case
	Misc. Expenditure	750.00 per case.

4. CASES BEFORE COLLECTOR/ADDL.COLLECTOR/ JT.COLLECTOR/ DY.COLLECTOR/SDM.

SN	Head	Fees
1	Consolidated Fee.	4,000.00 per case
	Misc. Expenditure	1,000.00 per case.

5. CASES BEFORE TAHSILDAR AND OTHER REVENUE COURTS:

SN	Head	Fees
1	Consolidated Fee.	3,000.00 per case
	Misc. Expenditure	750.00 per case.

6. CASES BEFORE LABOUR AND INDUSTRIAL COURTS :

SN	Head	Fees
1	Consolidated Fee.	6,000.00 per case
	Misc. Expenditure	1,500.00 per case.

## 7. PROSECUTION CASES UNDER MINES ACT AND OTHER PROSECUTION &amp; CRIMINAL CASES:

SN	Head	Fees
1	Consolidated Fee.	7,500.00 per case
	Misc. Expenditure	1,500.00 per case.

## 8. WRITTEN OPINION / DRAFTING OF DOCUMENTS LIKE AGREEMENT / LEASE DEED / SALE DEED / BOND DEED ETC. :

SN	Head	Fees
1	Consolidated Fee.	3,000.00 per opinion/Per deed.

## 9. NOTICE / REPLY OF NOTICE:

SN	Head	Fees
1	Consolidated Fee.	1,000.00 per notice / per reply..

## 10. OUT STATION WORK :

SN	Head	Fees
1	Consolidated Fee.	3,000.00 per day

Note:- This will be paid for the period of absence from Hqrs.i.e.for the period from departure of Hqrs. Till his return to Hqrs. Full day fees will be admissible for each completed period of 24 Hrs. absence to reckoned from the time when the advocate leaves Hqrs. If the period of absence is in excess of completed 24Hrs. is 12 Hrs. or less he will be entitled for 50% fee and if the period exceeds 12 Hrs. but does not exceed 24 Hrs. he will be entitled for 100% fees. Time of departure and arrival to Hq. be mentioned in the bill .

## 11. CASES BEFORE CLC(C)/RLC(C)/ALC( C)

SN	Head	Fees
1	Consolidated Fee.	3,000.00/ 2,000.00/ 1,500.00
	Misc. Expenditure	500.00/ 400.00/ 300.00

12. Filing of Caveats:  
Consolidated fee and expenses Rs.1,500/- per case. However, in case after filling caveat the matter is heard by the court in regular matters/appeals/revisions etc. no separate fee for caveat will be allowed. The consolidated fee and expenses in particular case will include the fee for Caveat application. If the case did not come up before the Court, only the above fee is payable.
13. Expenses: For the advocates other than Shri. PS Nair, Sr.Advocates and Sr. Advocates
- a. Lodging charge :
- i) For Metropolitan Cities : 3000/- per day
  - ii) Other places :2000/-per day
- b. Boarding charge
- i) For Metropolitan Cities : 400/- per day
  - ii) Other places : 300/-per day

Note: The above boarding charges per day or part thereof will be reckoned from the time of leaving Hqrs. Till returning Hqrs. However, no lodging and boarding charges shall be payable if the same is provided by the Company.

14. Fee for execution/attachment etc: If execution/attachment case is filed, the advocate shall be entitled for the fee according to above schedule.

Note:

- i) Air/Train/Taxi fare etc. will be actual subject to submission of ticket No. /Taxi Bill.
- ii) Payment of bills for Misc. expenses as above for cases and expenses per day for out station will be allowed on the basis of certification by the concerned advocates.
- iii) The above schedule of fee is inclusive of all interlocutory matters and it is consolidated fee for the entire case inclusive of conference, written opinion etc. in connection with the case.
- iv) 50%of the fee and full Misc. expenditure will be paid as advance at the time of handing over the case if desired by the concerned advocate and rest fee shall be paid on conclusion of the case.  
Advance if taken may be mentioned in the final bill submitted by the advocates, which is adjustable against the final bill.
- v) If the cases are disposed of at the admission stage itself, without substantial judgement and before filing written submission then,50% of the fee prescribed for such type of case only will be payable.

- vi) If the advocate is engaged for out station work and all hearings of that case takes place outside the Hqrs. of the advocate for such case, only fee four out station work prescribed for that case will be payable and no fee in addition to that shall be paid for the case.
  
- vii) In case the advocates do not stay in hotels and their lodging is arranged by WCL no charges for lodging will be paid . In such cases, only the prescribed charge of boarding will be admissible.