



Ref: : Law/Fees/Advocate/07/2010

Dated: 02.12.2014

NOTICE

Empanelment of Law Firms/Advocates

The Tea Board of India, a statutory body under Deptt. Of Commerce, Govt. of India intends to empanel law Firms for representing the Board before different courts in India, rendering legal advice, drafting and vetting of petitions, appeal, replies etc. Interested Law Firms/Advocates may send their willingness in the prescribed Proforma latest by **24th December, 2014** to the Secretary, Tea Board of India, 14, B.T.M. Sarani, Kolkata-700001. The details of the terms and conditions for engagement of Law Firms/Advocates are contained in the notice dated 02.12.2014 published in the website of the Board- www.teaboard.gov.in.

By Order
Secretary (I/C)



Ref: Law/Fees/Advocate/07/2010

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NOTICE

Empanelment of Law Firms/Advocates

The Tea Board of India, a statutory body under Deptt. Of Commerce, Govt. of India, intends to empanel law Firms/Advocates for representing Board in Supreme Court of India, in High Courts at Kolkata, Guwahati, Agartala, Shilong, Kohima, Imphal, Kochi, Chennai, Mumbai, Delhi, Shimla and Lower Courts at Siliguri, Jorhat, Dibrugarh, Palampur and Coonoor. Interested Law Firms/Advocates may send their willingness in the prescribed Proforma. The details of the terms and conditions of the engagement of Law Firms/Advocates are as under:

1. **Tenure of the Empanelment:** The initial tenure of the empanelment shall be for three years which can be extended for another two years. However, the Authority of the Board reserves the right to terminate the empanelment of any Law Firms/ Advocate at any time.
2. The number of empanelments shall be not more than three for each Court. However, depending on the quantum of cases the number may vary for different courts.
3. **Eligibility of Empanelment:**
 - a) The Law Firms/ Advocates should possess adequate experiences in handling cases pertaining to writ, writ appeal, matters in Supreme Court, High Court, or service, property or labour matters in District Courts/Tribunal and should be well versed with relevant laws on such subjects
 - b) The Advocates should have minimum professional experiences as under:-
 - i. For empanelment for Supreme Court of India- 12 years of experience/practice in Supreme court;

- ii. For empanelment for High Courts - Ten years of experience/practice in High Courts.
- iii. For empanelment for and Subordinate Courts/ Tribunals – Seven Years of practice/experience in Subordinate Courts/Tribunals.

4. Fees and other conditions:

Law Firms /Advocates should indicate the fees for the different professional services which shall be valid during the tenure of their engagement as per enclosed Annexure 'C'.

5. The empanelled law firms/ advocate shall ensure that during their empanelment with Tea Board, there is no clash of interest with Tea Board vis-à-vis their other clients. The empanelled law firms/advocates shall not advise any party or any case against the Board in which he has appeared or is likely to be called upon to appear or give advice which is likely to lead to litigation against the Tea Board.

- i. Effective hearing for the purpose of claiming appearance is a hearing in which one or both the parties involved in a case are heard by the Court. If the matter is called upon in its turn and the counsel is present to represent the Board and the Court /Tribunal/Registrar listen to the submission made by him or by other side or by both and if, thereafter the Court/Tribunal/Registrar adjourns the matter, that will be an effective hearing. If the case is mentioned and adjourned or only direction is given or only judgment is delivered by the Court/Tribunal/Registrar it would not constitute an effective hearing but will be termed as non-effective hearing.

6. No retainer fees shall be paid to any law firm/advocate.

7. The Board shall empanel the law firms/advocates based on the merit taking into account the past experience and specialization in the area of law concerning the Board. The decision of the Board in this regard shall be final.

8. **Termination:** The Board may terminate the engagement by giving one month prior notice to the party.

9. **General :**

- i. The law firms /Advocates will take necessary steps to protect the interest of the Board in matters entrusted to him from time to time.
- ii. The empanelment does not confer any right or claim that the law firms /advocates shall be entrusted to with the work by the Board.
- iii. Mere submission of Application and fulfilling of eligibility criteria does not entitle for empanelment.
- iv. Board reserves the right to verify/cross check the information furnished/submitted by the Law Firm/Advocate.
- v. Board reserves the right to summarily reject the Applications for any of the reasons (i) not submitted in the prescribed format or (ii) do not meet any of the eligibility criteria or (iii) not accompanied with requisite documents/information or (iv) incomplete in any respect, without assigning any reasons therefore.
- vi. The Board may, at any time, at its discretion withdraw from the law firm/ advocates any proceedings /matters/brief.
- vii. The law firm/advocate shall keep the Board informed regarding the development of the matter entrusted to him.
- viii. Unless the case is specially assigned, the law firms/advocates will not on its own receive summons/notices on behalf of Tea Board and even if any summons/notice is received and no VAKALATNAMA is given by the Board, law firms/advocates shall not otherwise deal with such cases and immediately inform the Board in this regard.
- ix. The law firms /advocate shall not use Tea Board's name/logo/symbol in his letter head/signboard/nameplate etc.
- x. In case of any misconduct, Tea Board will take appropriate action against law firm/advocate and law firm which includes filling complaint with bar counsel and recovery of financial loss caused to the Board due to the misconduct of the advocate /law firms. Here the word misconduct will have the same meaning as has been defined under Advocate Act, 1961.
- xi. In case of initiation of any disciplinary proceedings/criminal proceedings against the advocates/law firms, the Board may remove such law firm /advocate from the panel without waiting for conclusion of such proceedings.
- xii. The size of the panel will be decided by the Board from time to time based on the quantum of work. Refusal of any law firm /advocate

- to accept any work otherwise on the ground of conflict of interest may entitle removal of such law firm/advocates from the panels
- xiii. No empanelled law firms /advocates shall contest any case against the Board during the empanelment. The empanelled law firm /advocate shall not delegate the case to any other advocate or law firm, except such matters which are outside India.
 - xiv. Empanelled advocates shall not be treated as employees of the Board and therefore shall not be eligible for any benefit available to its employees.
 - xv. The empanelled law firms/advocates shall maintain absolute secrecy and confidentiality about the cases of the Board entrusted to him.
 - xvi. The Board reserves the right to engage any other law firms/advocates or Government Law Officers for any case.
 - xvii. The empanelment of the law firms/advocates shall be at the sole discretion of the Board and no person shall have any claim for being empanelled.
 - xviii. All payments shall be made in INR and shall be subject to prevailing laws/rules.
 - xix. No interest shall be paid for any delayed payment.
 - xx. The interested law firms/Advocates may submit their willingness in Proforma as Annexure – A, the Advocates may submit his/her willingness in Proforma as Annexure –B and quote their fees In annexure C.

Notwithstanding anything stated herein above, the Board reserves its rights not to empanel any advocate/law firms even on fulfilling of eligible criteria or postpone or cancel the process of empanelment without assigning any reasons in this regard.

By Order
Secretary (I/C)

Format for Bio-data for Law Firm

1. Name of the Firm
2. Date of Registration of the Firm :
3. Details of Experience :
4. Area of Practice :
5. Specialization if any :
6. Details of important cases the firm has dealt with or handled
7. Details reported judgment if any :
8. Brief list of clients :
9. Details of Advocates of the Firms along with year of practice, details of important cases handled
10. Income-Tax PAN No :
11. Experiences in Tea Act/Control Orders along with a brief note on suitability for empanelment :

DECLARATION

We declare that we have never been penalized by any Bar Council in any disciplinary proceedings. We also under take to maintain absolute secrecy about the cases of the Board.

Signature of the authorized representative of the Law Firm

Address (office & residence /Chamber)

Tel.No.....

Mobile No.....

Fax No.....

Email

Format of Bio-data for Advocate

1. Name of the Advocate
2. Date of Birth
3. Educational Qualification
4. Date of Enrolment and the name of the Bar Council.
5. Period of Practice
6. Details of Experience
7. Area of Practice
- 8. Specialization if any**
9. Details of important cases the firm has dealt with or handled
10. Details reported judgment if any
11. Brief list of clients.
12. The Court where the advocates is regularly practicing and documents thereof.
13. Income-Tax PAN No.
14. Experiences in Tea Act/Control Orders along with a brief note on suitability for empanelment.

Declaration

I declare that I have never been penalized by any Bar Council in any disciplinary proceedings. I also undertake to maintain absolute secrecy about the cases of the Board.

Signature of Advocate

Address (office & residence/chamber)

Tel. No.....

Mobile No.

Fax No.

E-mail

Schedule of Fees

Sl No	Particulars	Profession Fees in Rs.
1	For drafting Legal Notices/Reply Notices	
2	For written Opinion	
3	Drafting Plaintiff/Affidavit/Written Statement/Claim/Counter Claim/Rejoinder/Application	
4	Actual Conference including telephonic conference a. Less than 30 Minutes b. Above 30 Minutes	
5	Appearance before Subordinate Courts:- i. Effective ii. Non Effective	
5	Appearance before Tribunals/High Courts/Supreme Courts:- i. Effective ii. Non Effective	
6	Misc. Expenditure (Fax, Photocopy, typing, Printing, Stationary only) per case.	
7	Obtaining Search Report/Certified copies	
8	Clerkage	
9	Drafting Deed etc, Registration of deed	
8	Others (if any to be specified in detail)	

N.B:

1. The Board shall reimburse only the actual expenses relating court fees/application fees/search fees, legalization, attestation, notary, Stamp fees etc.
2. The Board shall make separate payments to Senior Counsels including his junior and clerk provided prior approval has been obtained from the Board for engaging the said Counsel.