

FEE SCHEDULE FOR LAWYERS AT REGIONAL LEVEL TO FACILITATE LEGAL ISSUES/MATTERS AT LOCAL LEVEL

Drafting, settling Complaint & appearance before Police Station: Rs. 2000/-

For each subsequent visit/ appearance to Police Station: Rs.1000/-

FOR LABOUR (Commissioner and Court level), CONSUMER & CRIMINAL MATTERS (in Court)

FEE SCHEDULE OF ADVOCATES					
S.No.	PARTICULARS OF LEGAL SERVICES	JUNIOR ADVOCATE (MAXIMUM Rs.)		MIDDLE ADVOCATE (MAXIMUM Rs.)	
		Principal Cities	Other Cities	Principal Cities	Other Cities
1.	Fees for drafting of Plaint/Counter Affidavit/Written statement/Replication/Rejoinder, etc.	2800/-	2200/-	3500/-	2500/-
2.	Fee for drafting of Misc. Applications/Interlocutory Applications, etc.	1250/-	1000/-	1250/-	1000/-
3.	Fee for appearing in Court per day:	2800/-	2000/-	3500/-	3000/-
	a). For effective hearing				
	b). Non effective hearing	50% of a)	50% of a)	50% of a)	50% of a)
4.	Fee for conference discussions upto one hour. Maximum five conference is allowed per case.	1100/-	1000/-	1500/-	1300/-
5.	Fee for drafting of legal notices/reply	1400/-	1000/-	3500/-	2800/-
6.	Fee for drafting and filing of Caveat Petition in any Court	1400/-	1050/-	2500/-	2000/-

Note:

1. Fee Schedule pertains to Criminal, Consumer & Labour matter only.
2. Junior Advocate includes Advocates up to 05 years of active practice at the Bar.
3. Middle level Advocate includes with more than 05 years of active practice at the Bar and includes Advocate on record.
4. Advocate shall provide minimum 10 orders in criminal/Labour/Consumer matters wherein lawyer's appearance was marked.
5. The Court shall mean and include Supreme Court of India/All High Courts/CERC/Appellate Tribunal for Electricity/District Court (Civil & Criminal)/ Labour Courts/ Arbitrator Forum/Tribunals and other judicial/quasi-judicial authorities such as NCLT/Consumer Forum, SEBI, Tax Authorities etc. and includes Register Courts of SC/High Court.
6. Principal city shall mean and include Delhi, Mumbai, Chennai, Bengaluru, Kolkata and Hyderabad.
7. If an adjournment of case is sought by the advocates due to his non-preparation/pre-occupation, no fee will be allowed for such appearance for seeking adjournment.

8. If a case is taken up and the court adjourns the matter for some reason without any material hearing, it will be treated as non-effective hearing and the fees would be paid accordingly.
9. In case, the court is not in session/judge on leave on a day but the advocate is present, the hearing will be treated as non-effective hearing.
10. For Batch matters, full fees towards appearance for first matter and 50% appearance fees for second matters and 25% for rest of the matters will be payable, in case the matters are listed on the same day.
11. In batch matters, full drafting and reading charges shall be payable for first matter and for rest of the matters, drafting charges, drafting charges shall be payable @ 50 %.
12. Batch matters mean and include- 02 or more cases in which substantially identical questions of law or facts are involved or where two or more petition/appeals of substantially identical questions of law or facts are involved or are arising out of common judgement or order.
13. All Opinions & Contractual matters will be dealt with by Corporate Legal Cell.

Draft guidelines for empanelment of advocates/ law firms for representing and assisting Energy Efficiency Services Limited before various Courts/Tribunals etc.

Definitions

For the purposes 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 Advocates Act, 1961 (25 1961);
- II. Competent authority shall be Managing Director or any officer so designated by the Managing Director.
- III. Court shall mean and include any District Courts, any High Court, Supreme Court, Tribunals, Forums and Arbitrary tribunal etc.
- IV. 'Effective Hearing' shall mean a hearing in which either one or both or all the parties involved in a case are heard by the court / arguments were advanced by the Counsel of any of the parties, Examination-in-chief, cross examination is conducted, issues/charges has been framed and statement recorded and in addition to the above, effective hearings are according to the High Court Rules.
- V. 'Non-effective Hearing' shall mean all hearings which are not covered in the above definition of effective hearing.
- VI. Similar cases shall mean two or more cases in which identical or substantially similar questions of law or facts are involved.

General

1. The Advocates shall be engaged only in cases where EESL is a necessary party.
2. Proforma matters where EESL is a proforma party pending in different courts/tribunal may be taken care of by the officers of the Company. However, the Advocates may be engaged if deemed necessary in exceptional cases by the Competent Authority.
3. The size of the panel and number of Advocates in panel shall be determined by the Competent Authority from time to time 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 year.
4. Every panel shall consist of Advocates from diversified field's viz. constitutional law, competition law, civil law, commercial law, property law, taxation law, corporate law, labour law etc. depending upon the expertise, experience, performance and conduct of advocates in general or experience.
5. Cases involving similar issues/points of law or otherwise interlinked or clubbed may be entrusted to the same Advocate as far as possible, while care shall be taken to avoid concentration of cases in the hands of one Advocate/a few advocates/law firm.
6. 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.
7. That the empanelled Advocate/Firm of Advocate shall attend to all the matters referred to him/her/them for opinion immediately and render his/her/their opinion expeditiously.
8. 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 EESL.

9. The empanelled Advocates 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 Company, if required.
10. The empanelled Advocate/Firm of Advocate shall not enter into any compromise or agree to grant any concession or move any statement in Courts to the effect in any matter without prior permission in writing of the concerned Nodal Officer.
11. That the empanelled Advocate /Firm of Advocate shall attend to all the cases entrusted to him/her/them by EESL and inform the developments in each case regularly in writing.
12. The Advocates empanelled under these guidelines shall not be employees of the Company and therefore, shall not be eligible for any benefits available to its employees.
13. The empanelled Advocate shall maintain absolute secrecy and confidentiality about the cases of the Company as required under the Act and rules/regulations made thereunder.
14. The advocates shall in full accept the terms and conditions of the empanelment as determined by the Company from time to time.
15. That the allocation of cases will be done by the competent authority on case to case basis and mere empanelment of an Advocate/Firm of Advocate will not grant any right to the Advocate/Firm of Advocate for allocation of cases to him/her/ them.
16. These guidelines shall also be applicable to the designated Senior Advocates of the High Courts and Supreme Court for all purposes except the requirement of empanelment.
17. In case of empanelment of Law Firms, all the terms and conditions for empanelment of the individual Advocates shall apply mutatis mutandis to them.
18. If required and considered appropriate by the Competent Authority, Attorney General of India/Solicitor-General of India/Additional Solicitor General/Advocate General/Designated Senior Advocates may be engaged to argue the cases on behalf of the Company 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 Competent Authority.
19. That the empanelled Advocate/Firm of Advocate is not a standing counsel/attorney of EESL etc. and as such, the Advocate/ Firm of Advocate will not receive notice directly from any of the petitioner(s) on behalf of the Company.

Tenure/term of Empanelment

The initial empanelment will be for two years or until further orders whichever is earlier. 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 the Company. The Company reserves the right to terminate the empanelment of any advocate at any time without assigning any reason thereof.

Eligibility for Empanelment

- A. The Advocates should be familiar with various branches of law especially those concerning Electricity laws, constitutional /service law, labour law, contract law, commercial law, property laws and taxation etc.
- B. For empanelment with EESL as Panel Advocate, an individual advocate must have at least Five (5) years of experience as a practicing Advocate and in case of firms the Senior most Advocate/Partner/Associate of the firm must have at least fifteen (15) years of experience as a practicing Advocate.

- C. There would not be any court specific empanelment however, while referring cases to Advocates the following would be the criterion for such referrals:
 - a) For designation of an Advocate to handle the cases before the High Courts and Supreme Court of India:-Atleast 10 yrs. experience in case of individual advocate and 15 yrs of experience of Sr. Partner in the case of firms.
 - b) Further for designation of an Advocate to handle cases before Supreme Court of India generally those Advocates who are regularly practicing before the Supreme Court and are Advocates-on-Record would be preferred, if they are otherwise found to be competent and eligible.
 - c) For designation of an Advocate to handle the cases before all the other courts not mentioned above: - At least 5 yrs. Experience in case of individual advocate and 15 yrs of experience of Sr. Partner in the case of firms.

D. 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.

Provided that the Competent Authority may relax the above conditions at its discretion, if otherwise found suitable in certain cases.

Payment of Fee and Other Conditions

The fee payable to the Advocate shall be governed by the Schedule of fee structure annexed with these guidelines as amended from time to time.

- i. The fee payable to the Advocate shall be governed by the **Schedule of fee structure** annexed with these guidelines as amended from time to time. *(Placed opposite as per F/a)*
- ii. The Competent Authority 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 by the Company.
- iii. No retainer fee shall be paid to any panel Advocate/law firm merely because such advocate/firm has been empanelled.

Procedure for Empanelment

The Competent Authority will consider the applications for empanelment in terms of these guidelines only on merits after due notice in this regard is published on the website of EESL as well as in leading newspaper. For this purpose, the Competent Authority may authorize any officer/group of officers of EESL and such authorized officer(s), while appraising the applications of the advocates, may consider the following points:

- i. Length of practice and specialization.
- 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. Annual income-tax return filed with the Tax Authorities.
- iv. Track record and integrity.

- v. If considered necessary, an 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.
- vi. If the advocate is empanelled by other regulators/organizations, opinion of those organizations may be obtained, if felt necessary.
- vii. If EESL gets a large number of applications, then to select the required number of Advocates/Firms, in addition to above, the attributes like experience in representing Govt/PSU/Statutory Bodies/Power Sector or number of cases in which the Advocate was able to get favorable outcome/decision which are reported/referred in reputed legal journals etc.

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

Documents to be obtained from the Advocate

The Advocates will be required to submit the application as per the format given in Annexure-A. The 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) Certificates in support of educational qualifications
- f) An undertaking from the advocate to the effect that all information furnished by him is correct.
- g) Details regarding the cases in which the Advocate was able to get favourable outcome/decision which are reported/referred in reputed legal journals etc.
- h) Details of office Infrastructure.
- i) Acceptance of all the terms and conditions of empanelment unconditionally and unequivocally.
- j) Other relevant information, if any.

Communication of Empanelment

After a decision to empanel the advocate is taken, a communication in writing to this effect shall be sent to the Advocate as per Annexure-B with acknowledgement and acceptance due failing which his/her/their empanelment will stand cancelled without any notice to him/her/them in this regard.

Right to Private Practice and Restrictions

- a) 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 Company.
- b) An advocate shall not advise any party or accept any case against the Company in which he has appeared or is likely to be called upon to appear or advise.
- c) 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 Company arising in any court.

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 Company;
- III. Failing to attend the hearing of the case without sufficient reason and prior information;
- IV. Not acting as per Company's instructions or going against specific instructions;
- V. Not returning the brief when demanded or not allowing or evading to allow its inspection on demand;
- VI. Misappropriation of the Company's funds or earmarking, using the same towards his fee without Company's permission.
- VII. Threatening, intimidating or abusing any of the Company's employees, officers, or representatives;
- VIII. Making any of his associates or juniors to appear on behalf of any of the opposite parties in cases/appeal related to Company's without permission;
- IX. Committing an act tantamounting to contempt of court or professional misconduct;
- X. Conviction of the Advocate in any offence resulting into arrest or detention or disbarment by the Bar Council;
- XI. Passing on information relating to Company's case on to the opposite parties or their advocates which is likely to cause damage to the Company's interests;
- XII. Giving false or misleading information to the Company relating to the proceedings of the case; and
- XIII. Frequent adjournment being obtained or not objecting the adjournment moved by other party without sufficient reason.
- XIV. Empanelment shall be liable to be cancelled due to occurring of any of the above disabilities.

Removal of Difficulty

In the matter of implementation of these guidelines, if any, doubt or difficulty arises or doubt regarding the interpretation of any of the clause of these guidelines, the same shall be placed before the Company and the decision of the Company thereon shall be final