



Dated: 27.02.2024

**Expression of Interest (EOI) inviting applications for
Empanelment of Advocates/Law Firms**

MMTC Limited, a Central Public Sector Undertaking, proposes to reconstitute a Panel of Advocates/Law Firms. Sealed expression of interest (EOI) is invited in the prescribed format from the Advocates/Law Firms for empanelment. The EOI document containing detailed guidelines for empanelment, submission requirements and application format can be downloaded from the website of MMTC at www.mmtclimited.com/tenders and CPP Portal at <https://eprocure.gov.in/eprocure/app>.

The response to this EOI can be submitted through Regd. AD/Speed Post in sealed envelope superscripted with "Application for Empanelment of Advocates/Law Firms" in prescribed format provided at **Annexure 'A'** along with all supporting documents **latest by 15:00 hours on or before 21.03.2024 to General Manager- (I/c-Law), MMTC Limited, Core-1, Scope Complex, Lodhi Road, New Delhi-110003**. Application submitted through Ordinary Post will not be accepted. EOI received after the stipulated date and time of submission of EOI and not in accordance with guidelines shall be summarily rejected, and no communication shall be entertained.

(Sudhir Kapur)

General Manager (I/c-Law)

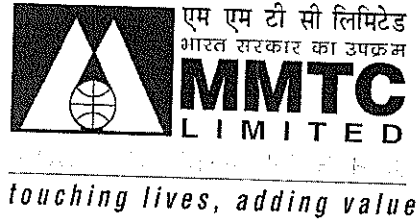
"हिन्दी में लिखे पत्रों का स्वागत है"

कोर-1, "स्कोप कॉम्प्लेक्स", 7, इंस्टीट्यूशनल एरिया, लोधी रोड, नई दिल्ली-110 003 भारत
Core-1, "SCOPE COMPLEX", 7, Institutional Area, Lodhi Road, New Delhi-110 003 INDIA
दूरभाष/Tel. : 011-24362200

E-mail : mmtc@mmtclimited.com Website : www.mmtclimited.gov.in

**PAN NO. : AAACM1433E
CIN : L51909DL1963GOI004033**

EOI for Empanelment of Advocates/Law Firms



1. Eligibility:

- A. Advocates/Law Firms (**here-in-after** the term 'Advocate' will also include Law Firm) must have **professional experience of ten years or more** (Post-enrolment with State Bar Council for Advocates/Date of issuance of the certificate of registration for Law firms).
- B. For the purpose of empanelment, the application shall be divided into two categories on the basis of professional experience:
- Category 'X'**- 10 to 15 yrs
- Category 'Y'**- 15 yrs and above
- C. In case the Advocate has converted his/her independent practice into sole proprietorship firm/LLP/Company, the entire period of professional experience as an independent practitioner as well as sole proprietorship firm/LLP/Company will be considered. The issuance of the certificate of registration will be considered as proof of firm/LLP/Company.
- D. The Gross income receipt from the Profession for the Assessment Year 2022-23 should be as below:

Cities	Advocate/Law Firm/LLP/Company	Category 'X'	Category 'Y'
Delhi, Mumbai, Kolkata, Chennai, Hyderabad, Ahmedabad and Bangalore	Advocate	>35 Lacs	>50 Lacs
	Law Firm/LLP/Company	>50 Lacs	>1 Crores

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Other Cities	Advocate	>25 Lacs	>35 Lacs
	Law Firm/LLP/ Company	>40 Lacs	>50 Lacs

- E. Applicant should provide a copy of **fifteen reported judgments** of the Supreme Court/High Courts/Tribunals settling the preposition of the law of the applied area/areas of specialization argued as a lead Counsel. If the case is argued by a Senior Advocate as lead Counsel, the judgment will not be considered as argued as a lead Counsel. Applicant should opt for area/areas for specialization from the following list:

Sl. No	Area of Specialization(s)
i	Commercial Laws/Arbitration laws
ii	Service & Labour Laws
iii	Indirect Tax
iv.	Direct Tax
v	Company Matter/Insolvency
vi	IPR/Trade Mark/Copyrights
vii	Civil Laws
viii	Criminal Laws
ix	Company Law

- F) Applicant should provide a letter of empanelment of two Central Govt. Public Sector Undertakings/ Government of India/Central Govt. Autonomous bodies/Banks/ Insurance companies for two years or more. The period of empanelment mentioned in the empanelment letter will only be considered. In case the PSU/autonomous body has not issued the letter of empanelment, then the letter from the institutions/authorities giving details of the applicant and the period of empanelment may also be

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- considered. A copy of the Judgment/Order mentioning the name of the applicant will not be considered.
- G. Merely fulfilling eligibility criteria shall not automatically entitle the applicant for being considered for empanelment.
 - H. Incase, Advocate/Law Firm is not agreed to the professional fees offered by MMTC, the applicant will not be entitled to empanelment irrespective of fulfilling qualification criteria.
 - I. The applicant must submit readable and valid documentary proof along with application form, else the application will be summarily rejected.
 - J. Advocates/Law Firms should have their own chamber or office within the city periphery where empanelment is sought. Preference will be given to those Advocates/Law firms who have their offices at New Delhi, Mumbai, Chennai, Kolkata, Bhubaneswar, Hyderabad, Jaipur, Vishakhapatnam and Ahmedabad.

2. Tenure of Empanelment:

- A. Advocate will be empanelled for a period of two years from the date of empanelment.
- B. The Competent Authority reserves the right to terminate the empanelment of any Advocate/Law firm at any time by giving one-month notice without assigning any reason.
- C. The Competent Authority reserves the right to extend the empanelment period for a further period of one year on the same terms and conditions subject to performance being found satisfactory. An Advocate/Law firm has no right to claim that empanelment period should be extended.

3. Procedure for Empanelment:

- A. Applicant is required to submit an application through Regd.AD/Speed post in a sealed envelope along with requisite documents clearly mentioning 'Application for empanelment at..... (Name of the place)'. In case complete details are not received in sealed envelope, the application will be summarily rejected.

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- B. Applicant should clearly mention the location for which an empanelment is sought. In case an application is submitted for empanelment for more than one location, only one application is to be submitted clearly mentioning the places for which the empanelment is being sought, providing all details for each location. In case requisite details for any location are not submitted, the applicant will not be considered for empanelment for that location.
- C. Applicant should provide a synopsis of important cases handled along with citation, ratio decided and outcome of cases (won/loss) in the applied area of specialization.

4. General Terms and Conditions:

- i. EOI is not an offer and the application for empanelment does not confer any right/assurance whatsoever that they will be empanelled on the panel of MMTC.
- ii. The applicant must have read all the terms and conditions set out in this EOI and accept the same without any deviation before submission of the application.
- iii. The Advocate/Law firm that is on the current panel of MMTC or has applied against previous EOI for empanelment is also required to apply afresh to this notice.
- iv. MMTC reserves the right to accept or reject any or all the applications at any stage of the process without assigning any reason thereof and no claim/dispute in this regard shall be entertained.
- v. MMTC reserves the right to verify/cross-check the information furnished /submitted by the applicant.
- vi. Mere empanelment of the Advocate/Law firm does not guarantee any award of work/assignment by MMTC.
- vii. The size of the panel and number of Advocates/Law firms on the panel shall be determined by MMTC and Advocates/Law firms have no right to claim for empanelment even if they fulfil the eligibility criteria.
- viii. MMTC reserves the right to assign work to any Advocate/Law firm and no right exists for empanelled Advocates to claim that they alone should be entrusted with MMTC work.
- ix. If a Panel Advocate has committed professional misconduct or has indulged in any act of omission or commission which is against professional ethics or has facilitated fraud/ perpetration of fraud, MMTC reserves its right to take steps to lodge a Complaint with the Bar Council

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- concerned, for appropriate action besides taking any other legal recourse.
- x. Empanelled Advocate/Law firm should not use MMTC name, symbol etc. in their letter-head, sign board, name plates, pamphlets etc such as 'Legal advisor to MMTC'/ Advocate for MMTC' etc.
 - xi. Empanelled Advocate/Law firm shall not appear/advise against MMTC under any circumstances.
 - xii. While pursuing/defending any litigation on behalf of the MMTC, the Empanelled Advocate/Law firm should –
 - a) Intimate day-to-day progress of the matter to the MMTC.
 - b) Not to seek adjournment without instructions from the company.
 - c) Not to make any submission against the interests of the company before any Court/Forum/Tribunal etc.
 - d) Maintain absolute secrecy and confidentiality about the cases of MMTC. At any point of time, if it has been noticed that an Advocate/ Law firm is violating any of these provisions, such Advocates/ Law firms shall be de-panelled with the immediate effect. Besides, a suitable legal action may also to be taken against them.
 - f) Coordinate with Senior Advocates engaged in the case as well as with the officers of MMTC.
 - g) Give a considered opinion within the time specified or 15 (fifteen) days of the judgment/award delivered in the assigned case with suggestions to proceed further.

In the event, an Advocate/Law firm does not confirm the above parameters, MMTC may automatically remove them from its panel.

- xiii. Advocate(s) with a minimum of ten years' experience would represent MMTC in different courts.
- xiv MMTC reserves the right to withdraw the brief at any stage of litigation without assigning any reason thereof. After completion of a case or expiry of tenure or de-panelment of an Advocate/Law firm, MMTC reserves the right to engage any other Advocate/Law firm to pursue the litigation and withdraw the brief. It is the obligation of an Advocate to hand over complete records to MMTC's Authorized Advocate/Law Firm along with a no objection certificate.

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- xv Notwithstanding anything contained in the above guidelines for empanelment of an Advocate/Law Firm, the Competent Authority of MMTC may relax, modify or extend any criteria to empanel or panel/de-panel any Advocate/Law Firm.
- xvi MMTC reserves the right to cancel the EOI at any stage without assigning any reason and any decision taken by MMTC will be binding on applicants.

- xvii MMTC further reserves the right to review the policy after three months and any decision taken by MMTC will be binding on the empanelled Advocate/Law Firm.

5. Terms and Conditions on payment of fees:

- i) Fees will be the maximum fee offered to him/her and no request for revision of fees will be entertained under any circumstances.
- ii) Conference charges shall be admissible only when a representative of the MMTC remains present during the conference (physical or virtual) unless specifically waived.
- iii) Clerkage charges shall be payable @10% of the appearance fee only.
- iv) Miscellaneous and other incidental charges may be reimbursed on the actual basis subject to providing the original bill/certification by the Advocate/Law firm.
- v) As far as possible, no advance payment would be made to any Advocate/Law firm except to meet expenses of court fees and other out-of-pocket expenses and only if a request in this regard is received from the Advocate.
- vi) An Advocate/Law firm to whom the matter is entrusted will first provide a written opinion on the merits of the case. No fee will be payable for same.
- vii) The fees/charges for an outstation visit for holding a conference, inspection of court records etc. and or attending matters by an Advocate/Law firm will be according to his standing in the profession. (Subject to maximum reimbursement of Economy class Airfare shall be allowed)
- viii) In a matter before a tribunal (Customs/ Sales Tax/Income Tax), fees to be paid to an Advocate/Law firm shall be the same as that of an Advocate/Law firm engaged in a High Court case.
- ix) Wherever the Advocate/Law firm attends the Court/Tribunal, but adjournment is sought by opposite counsel or the matter does not

- reach for hearing or only the next date of hearing is given without any hearing, 25% of appearance fees shall only be payable.
- x) If the appearance is through virtual mode, the fees payable would be 75% of appearance fees in the case of effective hearing, and 25% for non-effective hearing. Similarly, for the conference conducted through virtual mode, 75% of the conference charges would be applicable.
 - xi) The Advocate/Law firm shall not seek adjournment without instructions from MMTC. If adjournment is sought without instructions from MMTC, no fee shall be payable without valid justification to MMTC.
 - xii) In case an adjournment is sought by counsel for MMTC due to personal reasons, no fee shall be payable.
 - xiii) GST shall be borne by MMTC subject to rules applicable from time to time.
 - xiv) If the situation warrants, Advocates/Law firms may also be engaged on a lumpsum basis
 - xv) Interest shall not be paid for any delayed payment.
 - xvi) Where two or more cases involving substantially identical or similar questions of law or fact are involved, one such cases shall be treated as a lead case and others as identical/connected cases and the Advocate/Law firm shall be paid full fee for the main case and 25% of the fee of main case for each of the identical or similar/connected case, subject to a maximum of 10 cases only.
 - xvii) In case the matter is disposed of in one/two hearings without filing any pleadings, only appearance fee will be payable.
 - xviii) The consolidated fee payable to advocates for conducting Arbitration/Litigation shall be released in parts as per the following:
 - (a) 25% of the fees on completion of pleadings
 - (b) 25% of the fees on conclusion of the final arguments but the Award/Judgment is yet to be passed
 - (c) 50% of the fees on receipt of the final Award/Judgment and legal opinion from the advocate thereafter.
 - xix) If, after commencement of the arbitration proceedings, the parties agree to settle the dispute mutually through conciliation or withdraw the arbitration, the advocate would be entitled to a pro-rata percentage of fees till the stage of arbitration.
 - xx) If there is a change of Advocate/Law firm for any reason(s), then the new advocate is entitled to pro-rata payment depending upon the stage at which the matter is entrusted to him/her.

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- xxi) If an opinion is obtained from a former or current Attorney General/Solicitor General/Additional Solicitor General/Advocate General/Additional Advocate General/ Senior Advocate and the case for opinion is prepared by the briefing counsel, the briefing counsel shall be entitled to a consolidated fee up to 1/5th of the fee.
- xxii) In cases where MMTC is a proforma party, the fees shall be payable as determined by MMTC.

6. Submission details:

- i. Only one application will be accepted from Advocates/Law firms against the EOI.
- ii. Application in response to this EOI must be submitted in sealed envelope super scribed with "Empanelment of Advocate for..... (Name of the place)" in prescribed format along with supporting documents latest **by 15:00 hours on or before 21.03.2024 to General Manager (I/c-Law), MMTC Limited, Core-1, Scope Complex, Lodhi Road, New Delhi-110003.**
- iii. Application submitted through Ordinary Post will not be accepted.
- iv. Self-attested true copy of all requisite documents should be submitted along with the application.
- v. MMTC does not take any responsibility for loss of application in transit.
- vi. MMTC reserves the right to summarily reject the application without assigning any reasons thereof and no claim/dispute in this regard shall be entertained.

Annexure-‘A’

Application for Empanelment as an Advocate/Law Firm

Place(s) for empanelment-.....

Areas of Specializations.....

1. Name of the Advocate/Law Firm:
2. Year of Establishment (Firm/LLP/Company): (With documentary evidence)
 - (i) In the case of Company, a certified copy of the certificate of incorporation.
 - (ii) In the case of a Partnership Firm, a certificate from CA certifying the date of registration along with a certified copy of the Partnership Deed.
3. Years of experience as an Advocate/Solicitor: (Enrolment details-Copy of Bar Council license)
4. Courts/Forums/Tribunals where practicing:
5. Office Address:
6. Contact No. of Advocate/Law Firm with Email Id.:
7. Name(s) of the Managing Partner(s) (For Law Firms only):
8. Gross receipts from Profession for the Assessment Year 22-23: (To be supported by a certificate from the Auditor of the Firm/Chartered Accountant, in case of an Advocate)
9. Details of the Following:
 - (i) Service Tax No.
 - (ii) PAN No:
10. Areas of specializations: (Fifteen reported judgments of SC/HC/Tribunal in each applied area of specializations)
11. Details of empanelment: (submit proof)
12. Details of office/chambers:

Signature

Date:

Place:

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ADVOCATES/LAW FIRMS

Arbitration matters

<u>S.N</u>	<u>Particulars</u>	<u>CAT "X"</u> <u>(In Rs.)</u> <u>(10-15 Yrs)</u>	<u>CAT "Y"</u> <u>(In Rs.)</u> <u>15 Yrs &</u> <u>more</u>
1.	Consolidated fee for conducting the entire arbitration right from the stage of preliminary hearing in the arbitration till providing legal opinion on the final Award of the arbitration excluding appearance/Conference fee & misc expenditure	3.0 Lacs	5.0 Lacs
2.	Conference per hour	7K	10k
3	Misc. expenditure	On Actuals (Bills are to be produced)	On Actuals (Bills are to be produced)
4	General Legal Opinion	10k	20k
5	Issue/Reply to legal notice	15k	30k

COURT/FORUM/TRIBUNAL /TAX/NCLT/CASES

<u>Particulars</u>	<u>CAT "X"</u> <u>(In Rs.)</u> <u>(10-15</u> <u>Yrs)</u>	<u>CAT "Y"</u> <u>(In Rs.)</u> <u>15Yrs & more</u>
1 Consolidated fee for conducting the entire case right from receiving notice/summon till providing legal opinion on the final judgment of the case excluding appearance fee/conference fee & misc expenditure	Supreme Court	-
	High Courts/ Tribunals	1.0Lacs
	District Courts & Other Legal Forums	0.75k
		1.50Lacs
		1.25Lacs
		1.0Lacs

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2	Conference per Hour	7K	10k
3	Misc. Expenditure	On Actuals (Bills are to be produced)	On Actuals (Bills are to be produced)
4	General Legal Opinion	10k	20k
5	Issue/Reply to legal notice	15k	30k

Appearance fee

S.N	Particulars		<u>CAT "X"</u> <u>(In Rs.)</u> <u>(10-15 Yrs)</u>	<u>CAT "Y"</u> <u>(In Rs.)</u> <u>15Yrs & more</u>
1	Effective hearing	Supreme Court	-	30K
		High Court /Tribunals	15K	25K
		District Court & Other Legal Forums	10K	15K
2	Non-effective hearing		25% of fee	25% of fee
3	Hearing before Registrar		25% of fee	25 % of fee
4	Hearing of Connecting Case		10% of fee	10% of fee
5	Clerkage		10% of appearance fee	10% of appearance fee