

THE JUTE CORPORATION OF INDIA LIMITED

(A Government of India Undertaking)

(CIN: U51490MH1970GOI014733)

Regd. /Corp. Office.: - 15N, Nellie, Sengupta Sarani, 7th Floor, Kolkata, West Bengal 700087

Ref.No. JCI/HO/Legal/EOI//2022-23/Mar-01

Date: 15.03.2023

NOTICE INVITING EXPRESSION OF INTEREST FOR EMPANELMENT OF PRACTICING ADVOCATES

1. The Jute Corporation of India Limited (hereafter referred to as 'JCI'), was incorporated in 1971 as a Government of India Undertaking under the administrative control of Ministry of Textiles, Government of India. JCI acts as a price support agency with a clear mandate for the procurement of raw jute without any quantitative limit from the jute growers at the Minimum Support Price (MSP) declared in each year by the Government of India. In addition, JCI undertakes Sales Operation of Raw jute through B-Twill Linkage (for MSP Purchased jute) or through e-auction/ e-tender (for commercial procurements) processes and procurement operation of raw jute under commercial operation as per business requirements.

JCI is looking for empanelment of competent and experienced Practicing Advocate. The services of Practicing Advocate will be mainly utilized to represent and defend JCI before various courts/ tribunal/ forums/ authorities etc. in the areas of arbitration, contractual disputes, court cases, services matters, etc., subject to terms and conditions mentioned below.

Interested Practicing Advocates fulfilling the conditions, as prescribed herein, shall submit their Expression of Interest (EOI) together with requisite documents addressed to the Deputy Manager (Legal), JCI at 15N, Nellie, Sengupta Sarani, 7th Floor, Kolkata, West Bengal 700087. The complete EOI must reach at the designated address before 04.04.2023 strictly in a sealed envelope. No entries received thereafter shall be entertained under any circumstances.

The eligible Practicing Advocates after submission of EOI shall be called for presentation and there after the final decision will be taken by the JCI.

2. **SCOPE OF THE WORK:** The Scope of work for panel of Practicing Advocates shall include but not limited to;
 - (a) Rendering opinion/ advice on various legal issues on the matter related to contractual disputes, services matter, direct & indirect taxes, corporate law, etc. as and when referred to by JCI.
 - (b) Drafting and vetting of various legal documents/ notices/ agreements/ pleadings etc. as and when referred to by JCI.
 - (c) Handling notices and other legal queries as and when referred.
 - (d) Appear and defend JCI in safeguarding its best interest in the Courts/ Tribunals/ Forums/ statutory Bodies/Quasi-Judicial bodies in the cases, as and when referred to by JCI.
 - (e) Attend JCI Office as and when requested to tender advice on issues referred.
 - (f) Any matter incidental to the above broader functions/ activities.
3. **ELIGIBILITY CRITERIA:** The eligibility criteria for selection of Practicing Advocates shall be as under:-
 - (a) The Practicing Advocates should be registered under the statutes of India.

- (b) The Practicing Advocates should be having office/ chamber:-
- In Kolkata other than Supreme Court matters, and/or
 - In Delhi for Supreme Court matters.
- (c) The Practicing Advocates should have minimum bar standing as described herein below: -
- For representation before the Supreme Court of India – minimum 12 (Twelve) years of continuous practice.
 - For representation before High Court – minimum 10 (Ten) years of continuous practice.
 - For representation before Subordinate Courts/ Tribunals/ Other Statutory bodies etc. – minimum 06 (Six) years of continuous practice.
- (d) The Practicing Advocates shall be empanelled having regard to their relevant experience & expertise in Dispute Resolution/ Arbitration Law, Labour Laws, Service Laws, Contract Law, Commercial Law, Property Laws, Taxation Laws, Insolvency & Bankruptcy Code and other such relevant areas which impacts JCI's interests and shall be at the sole discretion of JCI.
- (e) The Practicing Advocates should not be debarred by any Central/State Government Departments/Public Sector Undertakings.
- (f) The Practicing Advocates should not be involved in any major litigation that may have an impact of affecting or compromising the delivery of services as required under this EOI.
- (g) The Practicing Advocates must have the requisite infrastructure and in-house capacity.
- (h) Due weightage shall be given to Advocates having experience in handling cases of CPSEs/PSUs and Central Government Departments.
- (i) While considering the request from the advocates, following points shall be considered:
- (i) Length of practice and specialization in the area of law relevant to the Company.
 - (ii) Proper and adequate infrastructure 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 for three years may also be perused.
 - (iv) 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.
 - (v) If the advocate is empanelled by other regulators /organizations /establishments, List of those organizations, addresses in full and contact numbers must be obtained for necessary verifications if occasion so arises.

4. GENERAL TERMS AND CONDITIONS: -

- (a) The initial term of the constituted panel will be for a period of 1 (one) year, extendable by another two year at JCI's discretion, subject to periodical review of performance of such empanelled advocates by JCI. However, the JCI reserves the right to terminate the empanelment of any Advocates at any time.
- (b) If required and considered appropriate by the Competent Authority at JCI, Attorney General of India/ Solicitor-General of India/ Additional Solicitor General/ Advocate General/ Senior Advocates, etc., may be engaged on behalf of JCI keeping in view the

urgency, their expertise in the matter and stakes in a particular matter. They shall be engaged on case to case basis with the approval of the Competent Authority.

- (c) The empanelled Advocates shall 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 cases as well as with the officers of the JCI, if required.
- (d) The empanelled Practicing Advocate shall maintain absolute secrecy and confidentiality about the cases of the JCI.
- (e) Cases in which claims are below a certain pecuniary limit, JCI reserves the right to avail services at a capped/ consolidated fee. Further JCI reserves the right to fix such pecuniary limits depending on the facts and circumstances of the case.
- (f) In connected/ analogous cases, wherein JCI is a party, the quoted fee shall be admissible for the first case only, 25% of the quoted fee in the first case shall be admissible towards other such connected cases.
- (g) In the event the empanelled lawyer requires the engagement of a counsel/ senior counsel etc. in a case, prior concurrence of Competent Authority at JCI.
- (h) This empanelment shall not entitle the advocate for mandatory allocation of cases. It shall be the sole discretion of JCI to allot cases to empanelled advocates. JCI reserve its right to further include/remove advocates on its panel depending upon its requirements.
- (i) Request for advance payment of professional fees shall not be entertained under any circumstances.
- (j) JCI reserve the right to terminate the services of such empanelled Legal advocate at any time without assigning any reason whatsoever.
- (k) JCI may at any time and for any reason, modify/ cancel the notice inviting application for empanelment of Practicing Advocate.
- (l) JCI may at its discretion, extend the due date for submission of EOI.
- (m) JCI reserves the right to accept or reject any or all such EOI in part or full without assigning any reason whatsoever.
- (n) The fees payable to the Practicing Advocate shall be governed by the schedule of fee structure annexed with the EOI (**Annexure B**) and as amended from time to time.
- (o) The term 'similar/connected/analogous cases' shall mean two or more cases in which identical questions of law or facts are involved or the same has been tagged as batch matter /petition by the Court.
- (p) The Advocates empanelled under this Policy shall not be employees of the Company and therefore, shall not be eligible for any benefits available to its employees.
- (q) No retainer fee shall be paid to any panel Advocate/law firm merely because such advocate / firm have been empanelled.

5. SUBMISSION OF EOI: - The EOI's are to be submitted in the following manner;

- (a) The particulars relating to the professional qualifications and experience shall be furnished in the format as prescribed at **Annexure-A** along with the supporting relevant documents in sealed envelope super-scribed "EOI for Empanelment of Practicing Advocates".
- (b) The EOI shall be accompanied by the License (sanad) issued by the respective State Bar Council with which the advocate is registered with along with the Certificate of Practice issued by the Bar Council of India.
- (c) Every page of the Applications shall be signed by the Advocate.
- (d) Applications received after _____ shall not be considered whatever may be the reason.
- (e) The EOI is liable to be rejected by JCI if it is not in the prescribed format or incomplete or in any manner violates the conditions of the EOI in letter and spirit.

6. CONFLICT OF INTEREST: -

- (a) The Advocate shall ensure that there is no conflict of interest at a relevant point of time, in matters in which such Advocate is acting on behalf of or representing JCI, shall not represent any of the opposite parties in other cases till that case/matter is pending.
- (b) An Advocate shall not advise any party or accept any case against the JCI in which they appeared or is likely to appear or advice.
- (c) If the advocate happens to be a partner of a firm of lawyers or solicitors, it will be incumbent upon the advocate/ firm not to entertain any case against the JCI arising in any court during the pendency of such case.

7. **TERMINATION/ REMOVAL FROM THE PANEL:-** Practicing Advocate shall be removed from JCI's panel due to any of the following reasons:

- (a) Giving false information in the application for empanelment;
- (b) Handing over the brief or matter to another advocate without prior written permission of JCI;
- (c) Failing to attend the hearing of the case without sufficient reason and prior information;
 - Not acting as per JCI's instructions or going against specific instructions;
 - Not returning the brief when demanded or not allowing or evading to allow its inspection on demand;
- (d) Misappropriation of JCI's funds or earmarking using the same towards his/ their fee without JCI's permission.
- (e) Threatening, intimidating or abusing any of the JCI's employees, officers, or representatives;
- (f) Making any of his associates or juniors to appear on behalf of any of the opposite parties in cases/ appeal related to JCI.
- (g) Committing an act amounting to contempt of court or professional misconduct under the relevant rules/ guidelines;
- (h) Conviction of the Advocate in any offence resulting into arrest or detention due to moral turpitude or disbarment due to any reasons by the Bar Council;
- (i) Passing on information relating to JCI's case to the opposite parties or their advocates which is likely to cause damage to the JCI's interests;
- (j) Giving false or misleading information to the JCI relating to the proceedings of the case;
- (k) Frequent adjournment being obtained or not objecting the adjournment moved by other party without sufficient reason.
- (l) Seeking discharge from the court without intimating about the same to the JCI.
- (m) Engaging in excessive billings on the basis of manipulated dates of hearing.
- (n) Acting in any manner which is prejudicial to the interest of the JCI.

Empanelment shall be liable to be terminated, if the advocates are found to be engaged in any of the aforesaid activity to the satisfaction of Competent Authority, whose decision shall be final in this regard.

8. **TERMS OF PAYMENT :-**

- a) Payment will be made after submission of original Invoice/Bills and upon certification by the legal section relating to the work done.
- b) Payment will be released within 30 (thirty) days from the date of the submission of the Invoice/Bills to JCI.
- c) Statutory deduction as applicable will be deducted from the invoice/bills, etc.
- d) Bills should be proper and it must contain Bill No., Bill Date, Advocate's complete address and JCI's complete office address along with other details like GST No. (if any), PAN No. etc., and complete details of case no., hearing date, case name, purpose of charges, etc., along with

supporting documents.

9. **APPLICABILITY:** The policy for Empanelment of Advocates shall be applicable prospectively to JCI.

10. **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. The process of empanelment shall be complete when JCI receives a duly signed acceptance letter in prescribed format from the advocate.

11. **INTERPRETATION CLAUSE: -**

In the matter of implementation of these terms & conditions, if any doubt or difficulty arises or doubt regarding the interpretation of any of the clause of these, the same shall be placed before the Competent Authority of JCI and the decision of the Competent Authority shall be final.

NOTE: *Notwithstanding anything stated herein above, the JCI reserves its right not to empanel any Advocate even on fulfilling the eligibility criteria, or to postpone or cancel the process of Empanelment or to terminate the empanelment of any Advocate at any time without assigning any reasons in this regard.*

EXPRESSION OF INTEREST
FOR ENGAGEMENT AS PANEL ADVOCATE IN JCI

1. Name :
2. Address for Correspondence :
3. Contact Details
 - (a) Telephone No. :
 - (b) Mobile No. :
 - (c) Fax No. :
 - (d) E-Mail :
4. Educational Qualifications : *(certificates)*
5. Date of enrolment with the Bar Council: *(Enclose self certified copy of enrolment certificate)*
6. Years of practice in various Courts/ Tribunals/ Other Forums: *(Details to be furnished alongwith supporting documents & ifnecessary, separate sheets can be attached)*
7. Experience in handling Legal Issues/ Litigation on behalf Government/ Government Agencies/ Public Sector Undertaking/ other statutory Bodies etc.: *(Details to be furnished alongwith supporting documents & if necessary, separate sheets can be attached)*
8. Area(s) of practice with specialization:
9. PAN No :
10. Bank Account No. : *(A cancelled cheque must be attached)*
11. Any other facts which you consider relevant in the context of your suitability:
12. Copy of Income Tax Returns (ITR) filed for the last three years to be attached:
13. Notable achievements:

I certify that the information continued in this application is correct and true to the best of my knowledge and belief and nothing material has been concealed.

Place :

Date :

Name & Signature of advocate _____

ANNEXURE 'B'**Schedule of Fee(SOF) (Typed Copy)**

I.No.	Particulars	Fee (INR)	
		HC Kolkata	Sub. Court/Tribunals/Other Statutory Bodies
A	Appearance		
	Effective Hearing	10,000 -15,000	5,000
	Non Effective Hearing	3,000 -5,000	1,500
B	Drafting of documents viz Special Leave Petition/ Writ Petition/ Written Submission	10,000	5,000
C	Drafting of other document viz. Counter Affidavit/ Rejoinder/ Interim Application/ Appeal/ Reply/ etc	5,000	3,000
D	Drafting/ vetting of agreements/contracts, etc		7,500
E	For drafting legal notice/legal notice		1,000
F	For written opinion (including conference)		7,500
G	Discussion/Conference charges		1,000 per conference
H	Clerkage		Not more than 10% of the total bill amount

Arbitration (Counsel Fees)

I No.	Particulars	Sr. Counsel	Jr.Counsel - 1	Jr.Counsel - 2
A	Appearance			
	Effective Hearing	8,000 -12,000	2,500-3,500	1,000
	Non Effective Hearing	5,000	1,000	5,00
B	Drafting / Vetting			
	Statement of Claim/ Defence	10,000	3,500	1,500
	Affidavit/Rejoinder/ Interim Application/ Appeal/Reply to interim Application/ Misc. application, etc.	5,000	2,000	1,000
C	Conference	2,000	1,000	1,000
D	Written Opinion	7,500	2500	2500
E	Clerkage	10%	10%	10%

Note: -

- i. Whenever a designated Senior Advocate is to be engaged, his charges shall be payable separately.

including for conference, drafting, appearance, etc., directly to the Sr. Advocate. Specific approval in writing of the Competent Authority for engagement of the Senior Advocate shall be required, which is the sole discretion of the JCI.

- ii. If an empanelled advocate is required to undertake an outstation journey in connection with the case, he shall be entitled for the actual TA/DA reimbursement.*
- iii. Non-effective hearing means and includes cases where the advocate has gone to the court but no effective hearing has taken place and the matter is simply adjourned. Effective hearing shall mean and include a hearing in which either one or both or all the parties involved in a case are heard by the court. If the case is only mentioned and adjourned or merely the judgment is pronounced, it would not constitute an effective hearing for the purposes of this Policy. The effective/ non-effective hearing should be certified by the advocate while preferring bill for payment.*
- iv. Miscellaneous charges viz., Xerox, scan, court fees, notary etc., will be paid on actuals based on the invoices/ documents submitted by the Advocate and verified/ accepted by JCI.*
- v. The schedule of fee will be revised by JCI after a period of two years from the date of empanelment.*
