

**Expression of Interest (EOI) inviting applications for Empanelment of Advocate
/Solicitor/Law Firm**

MMTC Limited, a CPSU proposes to reconstitute Panel of Advocate/Law Firm. Sealed expression of interest (EOI) is invited in prescribed format from interested Advocate /Solicitor/Law Firm for empanelment. The EOI document containing detail guidelines for empanelment, schedule of fees, submission requirements and application format can be downloaded from the website of MMTC at www.mmtclimited.com and NIC at www.nic.in.

The response to this EOI can be submitted through Regd. AD/Speed Post in sealed envelopes super scribed with “Application for Empanelment of Advocate/Solicitor/Law Firm” in prescribed format provided at Annexure ‘A’ along with all supporting documents on or before 15.07.2020 latest by 15:00 hours to Head-Legal, MMTC Limited, Core-1, Scope Complex, Lodhi Road, New Delhi-110003. Application submitted through E-Mail/Ordinary Post will not be accepted. The above dates, if necessitated, may be changed and any notification for the changed dates will be available on MMTC official website. EOI received after the stipulated date and time of submission of EOI and not in accordance to guidelines shall be summarily rejected.

(M. Jena)
Head- Legal
MMTC Limited

Guidelines for Empanelment of Advocate/Solicitor/Law Firm

1. Eligibility:

- A. Advocate/Solicitor/Law firm (here-in-after term Advocate should also include Solicitor and Law Firm) must have more than five years of Professional experience (post-enrolment with State Bar Council)/establishment for consideration for empanelment in MMTC.
- B. Advocate/Solicitor/Law Firm must have fulfilled minimum years of professional experience and qualification criteria as mentioned in the guidelines.
- C. Advocate/Solicitor/Law firm must qualify 30 marks out of 50 marks as per qualification criteria prescribed under procedure for empanelment in MMTC.
- D. Advocate/Solicitor/Law Firm should have sufficient associates/legal professionals based in Delhi or at the place where empanelment is sought to form a dedicated team.
- E. Infrastructure Facilities:
 - a) Advocate/Solicitor/Law Firm should have their own chamber in Supreme Court, High Court or major District Courts or should have office within the city periphery.
 - b) Advocate/Solicitor/Law Firm must have adequate manpower.

2. Tenure of Empanelment:

Advocate/Solicitor/Law firm will be empanelled for a period of two years from the date of empanelment.

The Competent Authority reserves its right to terminate the empanelment of any Advocate /Solicitor/Law Firm at any time without assigning any reason.

3. Procedure for Empanelment:

- A. All applications in response to EOI will be scrutinized and placed under any one of the following categories on the basis of years of professional experience (post-enrolment with State Bar Council)/establishment:

Sl. No	Years of Professional experience/Establishment	Category
i.	More than 20 years	A
Ii	More than 10 years but less than 20 years	B

iii	More than 5 Yrs but less than 10 years	C
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B. All applications will be further categorized in following areas of specialization on the basis of details submitted in the application for empanelment:

Sl. No	Area of Specialization
i	Commercial Laws
ii	Arbitration Law
iii	Service & Labour Matters
iv	Indirect Tax
v	Direct Tax
vi	Civil matters
vii	Criminal matters
viii	International Trade Law/Shipping Law
ix	Company Matter/Insolvency
x	IPR/Trade Mark/Copyrights

C. Advocate/Solicitor/Law Firm shall be considered maximum for five areas of specializations.

D. Once Advocate/Solicitor/Law Firm is placed in respective categories, the applications will further scrutinized on the basis of following parameters set out for short listing of Advocates/Solicitors/Law Firms. The qualification criteria will carry 50 marks out of which 30 will be qualifying marks for empanelment in MMTC. The Criteria is summarised as below:

Sl. No	Qualification Criteria	Maximum Points
i.	Expertise in handling (a) Commercial Laws (b) Arbitration Law (c) Service & Labour Matters (d) Indirect Tax (e) Direct tax (f) Civil matters (g) Criminal matters (h) International Trade Law/Shipping Laws (i) Company Matter/Insolvency (j) IPR/Trade	15

	mark/Copyrights (7 points for 1st area, 2 points for additional area)	
ii.	Reported Judgments settling legal preposition before SC/ HC (3 points for SC, 2 points for HC)	05
iii.	On number of panel (existing or preceding 03 years or more) of International Trading Companies (2 points for each panel)	10
iv	On number of panel (existing or preceding 03 years or more) of Public Sector Undertakings excluding banking and Insurance sector (1 point for each panel)	05
v.	Minimum years of professional experience under relevant category (5 points to minimum professional experience of five years and 1 point to subsequent years)	10
vi.	Advocate/Solicitor/Law firm having office/chambers Pan-India (2 point for each metro city/state capital where MMTC office exists and 1 point for other metro city/state capital)	05

4. General Terms and Conditions:

- i. EOI is not an offer and 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 applying.
- iii. The Advocate/Solicitor/Law Firm who is on the current panel of MMTC is also required to apply afresh to this notice.
- iv. Mere submission of Application and fulfilling of eligibility criteria does not entitle Advocate/Solicitor/Law Firm for empanelment.
- v. 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.
- vi. MMTC reserves the right to verify/cross check the information furnished /submitted by the Advocate/Solicitor/Law Firm.
- vii. Mere empanelment of the Advocate/Solicitor/Law Firm in MMTC does not guarantee any award of work/assignment by MMTC.

- viii. The size of the panel and number of Advocates/Solicitors/ Law Firms in panel shall be determined by MMTC on the requirement and number of pending litigation and Advocates/Solicitors/Law Firms have no right to claim for empanelment.
- ix. Inclusion of name in the MMTC panel shall not constitute an appointment or a right for an appointment to be made by the MMTC. MMTC reserves its right to terminate such engagement at any time without assigning any reason thereof.
- x. MMTC is authorized to empanel any Advocate /Solicitor/ Law Firm of its choice and no right exists for an empanelled Advocate/Solicitor/Law firm to claim that they alone should be entrusted with MMTC work.
- xi. If Panel Advocate/Solicitor/Law firm has committed professional misconduct or has indulged in any act which is against professional ethics or has facilitated fraud/perpetration of fraud, MMTC shall take steps to lodge Complaint with the Bar Council concerned, for appropriate action.
- xii. The Advocate/Solicitor/Law firm must agree to accept professional fee and other charges as per MMTC schedule of fees for Advocate/Solicitor/Law Firm.
- xiii. Panel Advocate/Solicitor/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.
- xiv. Panel Advocate/Solicitor/Law Firm shall not appear/advise against MMTC in which they are engaged under any circumstances.
- xv. While pursuing/defending any litigation on behalf of the MMTC, the Panel Advocate/Solicitor/Law firm should –
 - a) - Intimate day-to-day progress of the matter to the MMTC.
 - b)- Not to seek adjournment without written instructions from company.
 - c)- Not to make any submissions contrary to interest of the company before the Court/Forum/Tribunal without proper instructions from company.
 - d)- Not to appear either directly or indirectly on behalf of his juniors/assistant advocates against MMTC in the matter where firm/Advocate is engaged.
 - e)- To maintain absolute secrecy and confidentiality about the cases of MMTC and if any point of time if it has been noticed that advocate/solicitor/law firm is violating the provision, such advocate/solicitor/law firm shall be de-panelled with the immediate effect besides legal action as deemed fit.

f) To coordinate with Senior Advocates engaged in the case as well as with the officers of MMTC.

g)- To give considered opinion within 15 days of the judgment/award delivered in the assigned case with suggestions to proceed further.

In the event, Advocate/Solicitor/Law firm does not confirm to above parameters, it will entail MMTC to automatic removal of such advocate/solicitor/law firm from the panel.

- xvi Advocate(s) with minimum 5 (five) year's experience would represent MMTC in different courts.
- xvii. Supreme Court cases will be handled only by Advocates under category A/AoR having minimum 10 years of professional experience.
- xviii MMTC reserves the right to withdraw the brief at any stage of litigation from Advocate/Solicitor/Law firm without assigning any reason thereof. After completion of case or expiry of tenure or de-panelment of Advocate/Solicitor/Law Firm, MMTC also reserves the right to engage any other Advocate/Solicitor/Law Firm to pursue the litigation and withdraw the brief. It is obligation of Advocate/Solicitor/Law Firm to hand over complete records to MMTC/Authorized Advocate/Solicitor/Law Firm.
- xix Notwithstanding anything contained in the above guidelines for empanelment of Advocate/Solicitor/Law Firm in MMTC, Chairman MMTC may relax, modify or extend any criteria to empanel or panel/de-panel any Advocate/Solicitor/Law Firm or empanel any Advocate/Solicitor/Law Firm on the recommendation of Director (Personal & Law).
- xx. MMTC reserves its right to review the guidelines after six months and any decision taken by MMTC will be binding on empanelled Advocate/Solicitor/Law Firm.

5. Submission details:

- i. Only one application will be accepted from an Advocate/Solicitor/ Law Firm against the EOI.
- ii. Application in response to this EOI must be submitted in sealed envelopes super scribed with "For Empanelment of Advocate/Law Firm" in prescribed format along with supporting documents on or before 15.07.2020 latest by 15:00 hours to Head-Legal, MMTC Limited, Core-1, Scope Complex, Lodhi Road, New Delhi-110003.

- iii. Application submitted through E-Mail/Ordinary Post will not be accepted.
- iv. Self-attested true copy of membership of the Bar Council certificate, Law degree, other educational qualifications and professional experiences in support of his/her empanelment should also be submitted along with the application.
- v. MMTC does not take any responsibility for loss of application in transit.
- vi. MMTC reserves right to summarily reject application without assigning any reasons thereof and no claim/dispute in this regard shall be entertained. The ground for rejection will not limited to any/all of the following grounds:
 - a) Not submitted in the prescribed format,
 - b) Do not meet the eligibility and qualifying criteria,
 - c) Not accompanied with requisite documents/information,
 - d) Incomplete in any respect, or
 - e) Received after last date of submission as per EOI

Terms and Conditions for schedule of fees

- i) Fees for Senior Advocate/Advocate/Solicitor/Law Firm indicated below are maximum fee payable to them.
- ii) Charges for conference with Senior Advocate/Advocate/Solicitor/Law Firm shall be admissible only when representative of the MMTC remains present during the conference.
- iii) Clearkage charges shall be payable @10% of the appearance fee only of the Senior Advocate/Advocate/Solicitor/Law Firm.
- iv) Miscellaneous and other incidental charges may be reimbursed on actuals subject to providing original bill/certification by Senior Advocate/Advocate/Solicitor/Law Firm.
- v) As far as possible no advance payment should be made to any Senior Advocate/Advocate/Solicitor/Law Firm except to meet expenses of court fees and other out of pocket expenses, if a request in this regard is received from the Senior Advocate/Advocate/Solicitor/Law Firm.
- vi) The advocate whom matter is entrusted will first provide written opinion on the merit of the case.
- vii) Fees for providing legal opinion will be maximum up to one appearance fee as per categorization under which advocate comes under.
- viii) If opinion is obtained from AG/SG/ASG/Senior Advocate and the case for opinion is prepared by a briefing counsel, in such matters the briefing counsel shall be entitled to a consolidated fee up to 1/5th of the AG's/SG's/ASG's/Sr. Advocate's fee. This would include conference charges also.
- ix) The fee for outstation visit for holding conference, inspection of court records etc. and or attending matters by Sr. Advocate/Advocate/Solicitor/Law firm will be according to his standing in the profession.
- x) In a matter before tribunal (Customs/ Sales Tax/Income Tax) fees to be paid to Senior Advocate/Advocate/Solicitor/Law Firm shall be the same as that of Senior Advocate/Advocate/Solicitor/Law Firm engaged for a High Court case.
- xi) Wherever, a Senior Advocate/Advocate/Solicitor/Law Firm attended the Court/ Tribunal/ Judicial forum but no effective hearing took place or matter is adjourned or matter does not reach for hearing, no fees shall be payable.
- xii) GST to be payable shall be borne by MMTC subject to rules applicable from time to

time.

- xiii) If situation warrants, advocates can be engaged on lumpsum basis with the approval of the competent authority.
- xiv) Interest shall not be paid for any delayed payment.
- xv) Full fee of appearance will be paid only for effective hearing and 1/4th of the fee shall be paid for non-effective hearing.
- xvi) Where two or more cases involving substantially identical or similar questions of law or facts, one of such cases will be treated as a lead case and others as identical/connected cases and the advocate/counsel shall be paid full fee for the main case and 10% 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) Stage of Payment:

The consolidated fee payable to advocates for conducting arbitration/Litigation shall be released in parts as per the following stages:

- (a) 40% of the fees on completion of pleadings
 - (b) 30% of the fees on conclusion of final arguments but the Award/Judgment are yet to be passed
 - (c) 30% of the fees on receipt of final Award/Judgment and legal opinion from the advocate.
- xix) In case of batch arbitration matters the fee is as follows:
 - a) 1st arbitration matter : The applicable rate as per the category of Panel Advocate
 - b) 2nd case : 1/3rd of the main case
 - c) 3rd case and onwards : 1/4th of the main case.
 - xx) If after commencement of the arbitration proceedings, the parties agree to settle the dispute mutually through conciliation or withdraw the arbitration, the advocates would be entitled for pro-rata percentage of fees till the stage of arbitration.
 - xxi) If there is a change of advocate for any reason(s) whatsoever including return of brief, then the new advocate is entitled for pro-rata payment depending upon the stage at which the matter is entrusted to him/her.

Fee Schedule (Payable in Rs.):

SENIOR ADVOCATES

Category A-

Attorney General/Solicitor General/Additional Solicitor General/Advocate General

Professional fee will be payable as per their standing.

Category B-

Senior Advocate having specialization in the issue involved

Professional fee: Rs 3.00-7.5 Lacs

Category C-

Senior Advocate of repute having standing in respective courts/tribunals viz Supreme Court/ High Court/Lower Court

Professional fee: Rs 1.00-3.00 Lacs

Note: The fee schedule is applicable to Courts in Delhi only. In regard to other Metros/Non-Metros the fee shall be considered on case to case basis depending upon the standing of the Sr. Advocate.

ADVOCATES/SOLICITORS/LAW FIRMS

Arbitration matters

<u>S.No</u>	<u>Particulars</u>	<u>CAT A</u> <u>(In Rs.)</u>	<u>CAT B</u> <u>(In Rs.)</u>	<u>CAT C</u> <u>(In Rs.)</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 fee	4.0 Lacs	3.50 Lacs	3.0 Lacs
2.	Clearkage on above	10% of fee	10% of fee	10% of fee
3.	Misc. expenditure	On Actual (Bills are to be produced)	On Actual (Bills are to be produced)	On Actual (Bills are to be produced)

COURT/FORUM/TRIBUNAL CASES

	<u>Particulars</u>		<u>CAT A/AoR</u> <u>(In Rs.)</u>	<u>CAT B</u> <u>(In Rs.)</u>	<u>CAT C</u> <u>(In Rs.)</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	Supreme Court	2.0 Lacs		
		High Court /Tribunals	1.5 Lacs	1.25Lacs	1.0Lacs
		District Court & Other Legal Forums	1.0 Lacs	1.0Lacs	0.75K
2	Misc. expenditure		On Actual (Bills are to be produced)	On Actual (Bills are to be produced)	On Actual (Bills are to be produced)

Appearance fee

<u>S.No</u>	<u>Particulars</u>		<u>CAT A</u> <u>(In Rs.)</u>	<u>CAT B</u> <u>(In Rs.)</u>	<u>CAT C</u> <u>(In Rs.)</u>
1	Effective hearing	Supreme Court	50K		
		High Court /Tribunals	40K	25K	15K
		District Court & Other Legal Forums	20K	15K	10K
2	Non-effective hearing		25% of fee	25% of fee	25% of fee
3	Hearing before Registrar		25% of fee	25% of fee	25 % of fee

4	Hearing of Connecting Case		10% of fee	10% of fee	10% of fee
5	Clearkage on above		10% of fee	10% of fee	10% of fee

ANNEXURE-‘A’

Application for Empanelment as Advocate/Solicitor/Law Firm:

1. Name of the Advocate /Solicitor/ Law Firm:
2. Year of Establishment of the Law Firm: (With documentary evidence)
 - (i) In case of Company, a certified copy of the certificate of incorporation.
 - (ii) In case of 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)
4. Courts/Forums/Tribunals where practicing:
5. Address Details:

(a) Office:	(b) Residence:

6. Contact No. of Advocate/Solicitor/Law Firm with Email Id.:
7. Name(s) of the Managing Partner(s) (For Law Firms only):
- 8 Annual Turnover for past three financial years: (FY 19-20, 18-19, FY 17-18 (To be supported by a certificate from the Auditor of the Firm)
9. Details of Following:
 - (i) Service Tax No.
 - (ii) PAN No:
- 10 Names & Experience details/Profiles of the Partner & other team members:
 - (i) Partner (ii) Sr. Associate(s) (iii) Associate(s)
11. Areas of Specializations (Maximum Five as per categorization)
12. Details of reported judgments settling legal preposition before SC/HC
13. Details of empanelment in International Trading Companies: (submit proof)
14. Details of empanelment in PSUs (Excluding Banking & Insurance Sector): (submit proof)
15. Details of office/chambers Pan-India: (submit proof)

Declaration

I/We hereby declare that I/We have verified the details indicated above and also confirm that all the information submitted is true to the best of my /our knowledge.

(Signature _____) Name: _____)
(Advocate/Managing Partner) (With seal)
