



No: MMTC/CO/16-19-20/Law/DL/504/Empanelment of Advocates

07.12.2021

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 Advocate /Solicitor/Law Firm for empanelment. The EOI document containing detail 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 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 31.12.2021 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. EOI received after the stipulated date and time of submission of EOI and not in accordance to guidelines shall be summarily rejected.


(M. Jeña)
Head- Legal
MMTC Limited

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कोर-1, "स्कोप कॉम्प्लैक्स", 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



Policy for Empanelment of Advocate/Solicitor/Law Firm

1. Eligibility:

- A. Advocate/Solicitor/Law firm (here-in-after the term “Advocate” will also include Solicitor and Law Firm) must have Professional experience (post-enrolment with State Bar Council)/establishment (issuance date of pan card or certificate of registration) as mentioned below for consideration for empanelment in MMTC as:
- Litigation Advocate: Professional experience of seven years or more
 - Transactional Advocate: Professional experience of ten years or more
- B. Litigation Advocate will represent MMTC before Courts of Law/Tribunals/Forums etc. whereas, Transactional Advocate will provide services pertaining to Legal opinion, drafting, negotiation and strategize related opinion/suggestion in Commercial transaction/ Arbitration/ Service & Labour/ Tax/ International Trade/ International Sales/ Shipping/ Company/ Insolvency/ IPR/ Trade Mark /Copyrights/ Civil/ Criminal/ Financial matters.
- C. Advocate must fulfil minimum years of professional experience, qualification criteria and also agree for professional fees likely to be offered by MMTC.
- D. Merely fulfilling qualifying marks shall not automatically entitle for empanelment.
- E. In case, Advocate/Solicitor/Law Firm is not agreed on professional fees offered by MMTC, applicant will not be entitled for empanelment irrespective of fulfilling qualification criteria and no claim shall be entertained in this regard.
- F. In case of Law Firm/Company, issuance date of Pan Card or Certificate of Registration will be considered as proof of establishment.
- G. In the case of advocate/solicitor converted his/her independent practice into sole proprietorship firm/LLP/company, the entire period of professional experience as Independent practitioner as well as sole proprietorship firm/LLP/company will be considered. In other cases, where advocate/solicitor has converted his/her independent practice into firm/LLP/company, the issuance date of pan card or certificate of registration will be considered as proof of firm/LLP/company.

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कोर-1, “स्कोप कॉम्प्लैक्स”, 7 इंस्टीट्यूशनल एरिया, लोधी रोड, नई दिल्ली-110 003 भारत
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- H. The applicant must submit readable and valid documentary proof along with application form else application will be summarily rejected.
- I. Advocate must secure 30 marks out of 40 marks prescribed for empanelment in MMTC.
- J. Advocate should have sufficient associates/legal professionals located at the place where the empanelment is sought. The details of legal associates with contact details required are to be provided along with application.
- K. Infrastructure Facilities: Advocate should have their own chamber or office within the city periphery where empanelment is sought. Distinct documentary proof (Copy of title deed, lease deed, allotment letter, etc) regarding chamber or office for each place at which empanelment is sought is to be submitted alongwith application; else point will not be awarded.

2. Tenure of Empanelment:

- A. Advocate will be empanelled for a period of one year from the date of empanelment.
- B. The Competent Authority reserves its right to terminate empanelment of any advocate at any time by giving one month notice during the empanelment period.
- C. Competent Authority further reserves its right to extend the empanelment period of any empanelled advocate subject to consent of concerned Advocate and no claim shall be entertained from other empanelled Advocate to consider such extension.

3. Procedure for Empanelment:

- A. Applicants are required to submit two separate sealed envelopes i.e. one envelope will contain application along with documents pertaining to eligibility criteria and another envelope will contain professional fee at which applicant is willing to provide legal services. In case, complete details are not received in two different sealed envelopes, the application will be summarily rejected. Both sealed envelopes should be kept in another big envelope clearly mentioning application for empanelment at (name of the place) as:
 - (i) Litigation Advocate, or
 - (ii) Transactional Advocate
- B. Applicant may apply empanelment either as Litigation Advocate or Transactional Advocate or both provided they fulfil professional experiences, eligible criteria and agreed for professional fee offered by MMTC.
- C. Applicant should submit separate applications for consideration for empanelment both as litigation advocate and transactional advocate. In case of single application is received for both litigation advocate and transactional advocate, the application will be summarily rejected.

- D. Applicant should clearly mention the location for which empanelment is sought. In case application is submitted for empanelment for more than one location, only one application is to be submitted clearly mentioning places for which empanelment is sought providing all requisite details required to be submitted for empanelment for each locations. In case, requisite details for empanelment for any location are not submitted, the applicant will not consider for empanelment for that location. In case application is submitted for empanelment for more than one location, applicant is require to provide separate professional fees at which he/she is willing to serve at each location.
- E. All applications for empanelment as Transactional Advocate 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

- F. All applications for empanelment as Litigation Advocate 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 7 Yrs but less than 10 years	C

- G. All applications for empanelment as Litigation Advocate or Transactional Advocate or both will further categorized in following two areas of specialization on the basis of proof submitted in the application for empanelment:

Sl. No	Area of Specialization
i	Commercial Laws/Arbitration laws
ii	Service & Labour Laws

iii	Indirect Tax
iv.	Direct Tax
v	International Trade Law/ International Sales Law/Shipping Law
vi	Company Matter/Insolvency
vii	IPR/Trade Mark/Copyrights
viii	Civil Laws
ix	Criminal Laws
x	Banking/Financial Laws

- H. Applicant applying as Litigation Advocate should provide ten reported judgments settling preposition of law of Supreme Court/High Court/CESTAT/STAT pertaining to each areas of specialization which are argued by him/her. In case complete copy of ten reported judgments settling preposition of law which are argued by him/her are not provided along with application then no marks will be given. Further, if only citation of the case is provided without providing complete judgment, it will not be considered.
- I. Applicant applying as Transactional Advocate should provide documentary proof of ten legal opinions in the areas of specialization for which empanelment is sought without violating law of the land or contract with any party. In case of violation of law of the land or breach of any terms of the contract with any party, MMTC shall not liable under any circumstances. The proof should include organization to whom legal opinion is given, issue involved and supporting documents clearly showing legal opinion is provided. Legal opinion excluding service & labour and criminal matter must be in transaction value of more than one cr. or more.
- J. Applicant (Litigation Advocate or Transactional Advocate) should provide judgments showing he/she has won the case as an Advocate in the applied area of specializations. Details should contain important cases fought, complete citation, ratio decided and outcome of cases (won/lose). However, points will be provided only towards cases won by the applicant in the applied area of specializations. It would be preferred to provide complete copy of the judgement. However, if citation is provided, it should clearly prove that cases have won by the applicant; otherwise no point will be provided.
- K. Applicant (Litigation Advocate or Transactional Advocate) claiming points towards panel of Public Sector Undertakings or Government of India (GoI) must be on panel of Public Sector Undertakings or Govt. of India for immediately proceeding three years or more from the last date of submission of application. The period of empanelment mentioned on empanelment letter issued by PSUs or GoI will only consider towards period of empanelment. In case the PSU has not issued letter of empanelment, then letter issued by the PSU clearly mentioning details of applicant and period of empanelment may be

considered. The copy of judgment/order mentioning name of applicant representing Public Sector Undertaking or GoI will not be considered.

- L. Applicant (Litigation Advocate or Transactional Advocate) claiming points towards panel of International Trading Company must be on panel of International Trading Company for more than a year at least. The period of empanelment mentioned on empanelment letter issued by such International Trading Company will only consider towards period of empanelment. In case organization does not issue letter of empanelment, then letter issued by International Trading Company on its official letterhead should clearly mention details of applicant and period of empanelment. The copy of judgment/order mentioning name of applicant representing International Trading Company will not be considered. Further, letter issued by private International Trading Company must contain valid Import Export Code issued by Directorate General of Foreign Trade (DGFT), Ministry of Commerce and Industries.
- M. Once Advocate is placed in respective categories, the applications will be further scrutinized on the basis of following parameters set out for short listing of Advocates. The qualification criteria will carry 40 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 (i) Commercial Laws/Arbitration Law (ii) Service & Labour Matters (iii) Tax matters (iv) Civil matters (v) Criminal matters (vi) International Trade Law/ International Sales Law/ Shipping Laws (vii) Company Matter/Insolvency (viii) IPR/Trade mark/Copyrights (ix) Banking/Financial matters (10 points for each area of specialization on providing ten reported judgments of Supreme Court/High Court/ CESTAT/STAT argued by him/her)	20
ii	Details of cases won in the applied area of specialization (1 point for 10 won cases)	06
iii.	On number of panel of International Trading Company (2 points for each panel)	06
iv	On number of panel (03 years or more) of Public Sector Undertaking or GoI excluding Insurance sector (1 point for each panel)	04
v.	Advocate/Solicitor/Law firm having office/chambers Pan-India (2 point for each metro city/state capital where MMTC offices exists and 1 point for other metro city/state capital/High Court)	04

- N. The applicant is required to quote professional fees *w.r.t.* appearance, drafting, conference reading, etc. at which applicant is willing to provide legal services to MMTC at specific location.

- O. The professional fee quoted in separate sealed envelope will be opened only of those applicants who scored qualifying marks.
- P. The applicant must give no objection to MMTC to share professional fee quoted by him/her to other applicants.
- Q. The applicant must provide undertaking that any information shared by MMTC during empanelment process will be confidential information and it will not be shared, uploaded or quoted through any means with any other person, firm or organization under any circumstances what-so-ever. The applicant must agree that in case of any legal action initiated by/against him/her, MMTC will not be made party of any legal proceedings under any circumstances. Further, MMTC will not be liable/ responsible to any act or omission or liable to pay any amount, claim, compensation or damages to any party.

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 submission of application.
- iii. The Advocate who is on the current panel of MMTC or applied against previous EOI for empanelment is also required to apply afresh to this notice.
- iv. Mere submission of application, fulfilling of eligibility criteria and consent for professional fee offered by MMTC does not entitle Advocate 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.
- vii. Mere empanelment of the Advocate in MMTC does not guarantee any award of work/assignment by MMTC.
- viii. The size of the panel and number of Advocates in panel shall be determined by MMTC on the requirement and number of pending litigation and Advocates have no right to claim for empanelment even he/she secured qualifying marks .
- 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 of its choice and no right exists for an empanelled Advocate to claim that they alone should be entrusted with MMTC work.
- xi. MMTC reserves its right to entrust work to any advocate not confined to empanelled advocate alone if sufficient number of advocate is not empanelled for any area/areas of specialization or for any place.
- xii. If 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 shall take steps to lodge Complaint with the Bar Council concerned, for appropriate action.

- xiii Panel Advocate 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 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 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 etc. without proper instructions from company.
 - d) Not to appear either directly or indirectly on behalf of his juniors/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, wherever necessary.
 - g) To give 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, Advocate/Solicitor/Law firm does not confirm to above parameters, it can lead to seek automatic removal of such advocate/solicitor/law firm from the panel.

- xvi Advocate(s) with minimum seven 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 (ten) years of professional experience.
- xviii MMTC reserves the right to withdraw the brief at any stage of litigation from Advocate without assigning any reason thereof. After completion of case or expiry of tenure or de-panelment of Advocate, MMTC also reserves the right to engage any other Advocate to pursue the litigation and withdraw the brief. It is obligation of Advocate to hand over complete records to MMTC/Authorized Advocate/Solicitor/Law Firm along with no objection.
- xix Notwithstanding anything contained in the above guidelines for empanelment of Advocate/Solicitor/Law Firm, CMD-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).

- xx . MMTC reserves its right to cancel the EOI at any stage without assigning any reason and any decision taken by MMTC will be binding on applicants.
- xxi MMTC further reserves its right to review the policy after three months and any decision taken by MMTC will be binding on empanelled Advocate/Solicitor/Law Firm.

5. Terms and Conditions on payment of fees:

- i) Fees quoted by Advocate (**it includes here-in-after Solicitors and Law Firms also**) will be maximum fee offered by him/her and no request for revision of fees will be entertained under any circumstances.
- ii) Conference charges 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 Advocate.
- iv) Miscellaneous and other incidental charges may be reimbursed on actuals subject to providing original bill/certification by Advocate.
- v) As far as possible no advance payment should be made to any Advocate except to meet expenses of court fees and other out of pocket expenses, if a request in this regard is received from the Advocate.
- vi) Advocate whom matter is entrusted will first provide written opinion on the merit of the case.
- vii) The fee for outstation visit for holding conference, inspection of court records etc. and or attending matters by Advocate will be according to his standing in the profession.
- viii) In a matter before tribunal (Customs/ Sales Tax/Income Tax) fees to be paid to Advocate shall be the same as that of Advocate engaged for a High Court case.
- ix) Wherever, Advocate attended the Court/Tribunal/ Judicial forum but only adjournment is granted or matter does not reach for hearing or only next date of hearing is given without any hearing, no fees shall be payable.
- x) GST to be payable shall be borne by MMTC subject to rules applicable from time to time.
- xi) If situation warrants, advocates can be engaged on a lumpsum basis with the approval of the competent authority.
- xii) Interest shall not be paid for any delayed payment.
- xiii) Full fee of appearance will be paid only for effective hearing and 15% of the appearance fee shall be paid for non-effective hearing or matter is adjourned by the court on own motion or adjournment is sought by opposite party. 15% of the appearance fee shall be paid for non-effective hearing only when court proceeding is certified by concerned law officer or commodity officer.
- xiv) 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 25% of the fee of main case for each of the identical or similar/connected case, subject to a maximum of 10 cases only.
- xv) In case the matter is disposed of in one/two hearings without filing any pleadings, only appearance fee will be payable.
 - xvi) Stage of Payment:

The consolidated fee payable to advocates for conducting arbitration/Litigation shall be released in parts as per the following stages:
 - (a) 25% of the fees on completion of pleadings
 - (b) 25% of the fees on conclusion of final arguments but the Award/Judgment are yet to be passed
 - (c) 50% of the fees on receipt of final Award/Judgment and legal opinion from the advocate.
 - xvii) 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.
 - xviii) 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 for pro-rata percentage of fees till the stage of arbitration.
 - xix) 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.
 - xx) If opinion is obtained from former or present Attorney General/Solicitor General/Additional Solicitor General/Advocate General/Additional Advocate General/ 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 Attorney General/Solicitor General/Additional Solicitor General/Advocate General/ Senior Advocate's fee.
 - xxi) In Policy issues/ High value Commercial matters, Director (Personnel) may approve payment of higher professional fee with the concurrence of Director (Marketing) and Director (Finance).

6. Submission details:

- i. Only one application will be accepted from an Advocate against the EOI. In case applicant is applying for empanelment both as Litigation Advocate and Transactions Advocate, then separate applications are to be submitted.
- ii. Application in response to this EOI must be submitted in sealed envelopes super scribed with "For Empanelment of Advocate as Litigation/Transaction for..... (Name of the place)" in prescribed format along with supporting documents on or before

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 all requisite documents i.e. membership of the Bar Council certificate, Proof of establishment, Law degree, Other educational qualifications, Professional experiences, Judgments, detail of chamber/offices 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) Application not submitted in the prescribed format and mode,
 - b) Do not meet the eligibility and qualifying criteria,
 - c) Not accompanied with requisite documents/information/undertaking,
 - d) Not mentioned professional fee towards rendering legal services
 - d) Incomplete in any respect, or
 - e) Received after last date of submission as per EOI

Application for Empanelment as an Advocate/Solicitor/Law Firm

(Litigation/Transactions Advocate)

Place/places for empanelment-.....

Two areas of Specializations.....

1. Name of the Advocate /Solicitor/ Law Firm:
2. Year of Establishment (Firm/LLP/Company): (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-Copy of Bar Council license)
4. Courts/Forums/Tribunals where practicing:
5. Office Address details:
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 20-21, 19-20, FY 18-19 (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, address & experience details/Profiles of the Partner & other team members:
 - (i) Partner (ii) Principle Associate (iii) Sr. Associate(s) (iv) Associate(s) etc.
11. Two areas of specializations: (Ten reported judgments of SC/HC/ CESTAT/STAT in the applied areas of specialization)
12. Details of cases won in the applied area of specialization: (submit proof)
13. Details of empanelment in International Trading Companies: (submit proof)
14. Details of empanelment in PSUs (Excluding Insurance Sector): (submit proof)
15. Details of office/chambers Pan-India: (submit proof)

Declaration cum Undertaking

I/We,..... (Advocate/Solicitor/Law Firm), having Registered office at.....

....., hereby, declare that I have verified the details indicated here-in-above and also confirm that all the information submitted is true to the best of my /our knowledge & belief. In case of any mis-representation/violation/non adherence of any terms and conditions mentioned in the policy, MMTC may reject my application at any stage of empanelment without providing any reason.

Further, I have no objection if MMTC share/inform professional fee quoted by me to other applicant/applicants.

Furthermore, any information shared by MMTC during empanelment process will be confidential information and I will not share, upload or quote, inform to any person, firm or organization under any circumstances what-so-ever. I also undertake that in case any legal action is initiated by concerned Advocate/Solicitor/Law firm, i will not make MMTC as party of legal proceedings and will not make MMTC liable/ responsible to any act or omission liable to pay any amount, claim, compensation or damages.

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

Date:

Place:
