



MOIL LIMITED

(A Government of India Enterprises)

MOIL Bhawan, 1A, Katol Road, Nagpur – 440 013

EMPANELMENT OF ADVOCATES

MOIL Ltd., Nagpur invites application in prescribed format from:

Interested Advocates having more than 5/10/20 years practice as advocate before various courts at Nagpur, Balaghat, Jabalpur, New Delhi & Tumsar / Bhandara.

Interested candidates may fill up the format and submit to General Manager (Personnel), MOIL Ltd., 1-A, Katol Road, Nagpur – 440 013, within 15 days from the date of publication. For more details visit www.moil.nic.in.

MOIL Ltd., Nagpur is inviting applications for empanelment of Advocates having more than 5/10/20 years' experience to represent before the various courts at Nagpur (eight (8) advocates), Balaghat (two (2) advocates), Jabalpur (two (2) advocates), New Delhi (two (2) advocates) & Tumsar/Bhandara (two (2) advocates). A candidate can apply for a specific place and in specific category only. Applications made by a candidate for more than one place of practice will not be considered. The City-wise schedule of Fees applicable for the Empaneled Advocates alongwith other terms & conditions, can be found on the official website www.moil.nic.in, in tender section.

The prescribed format may be filled in capital letters and hard copy shall be submitted by RPAD to General Manager (Personnel) at MOIL Bhawan, 1-A, Katol Road, Nagpur – 440 013, within 15 days from the date of publication in a sealed envelope which shall be super scribed with- '**APPLICATION FOR EMPANELMENT**' on the top center of the envelope.

Nagpur

Date:-

General Manager (Personnel)

FORMAT FOR APPLICATION FOR EMPANELMENT OF ADVOCATE

- 1) Name:
- 2) Date of Birth:
- 3) Educational Qualification (Enclose Certificates):
- 4) Name of Bar Council and Date of Enrolment: (Enclose Copy)
 - 1.
 - 2.
 - 3.
- 5) Details of experience and period of practice:
(Enclose supporting documents)
 - 1.
 - 2.
 - 3.
- 6) Area of practice:
- 7) Specialization, if any (Constitution/Service/Labour etc.):
The details of a few important cases the Advocate has dealt with/handled and reported judgment if any.
- 8) Whether Central Govt. / State Govt. / PSU Counsel / Pleader (indicate period):
- 9) Brief list of clients e.g. Govt./ Organizations / Company / PSUs:
- 10) The courts where the advocate is regularly practicing:
(Enclose copy of Bar Association Membership Certificate)
- 11) Date of enrolment as an Advocate-on-Record of the Supreme Court and Registration No. (Enclose Copy) (if applicable)
- 12) Income Tax PAN number:
(Enclose copy of ITR of last three years)
- 13) Notable achievements:
- 14) A brief note of suitability of empanelment
(Additional pages can also be enclosed)

- 15) Self-Score to be filled in the format given in Attachment-II.

I declare that I have never been penalized by any Bar Council in any Disciplinary Proceedings. I also undertake to maintain absolute secrecy about the cases of the Company as required under the Act, Rules and Regulations thereunder.

Signature of Advocate

Address (Residence and Office/Chamber):

Tel. No. /Mobile No.:

Fax No.:

E-mail:

ATTACHMENT – I

TO WHOMSOEVER IT MAY CONCERN

This is to certify that the undersigned is a practicing advocate at Nagpur/Balaghat / Jabalpur/New Delhi/Tumsar/Bhandara District since last more than 5/10/20 years, having office infrastructure with junior staff and clerk, at the address mentioned below:-

The undersigned further self-certify that I have suitable office infrastructure to handle corporate litigations.

Place:

Date:

Signature of Advocate

ATTACHMENT-II.

SCRUTINY CRITERIA FOR CATEGORY-A ADVOCATES (More than 20 years)

<u>Sr. No.</u>	<u>Criteria</u>	<u>Total Marks</u>	<u>Minimum/Maximum Marks for eligibility</u>	<u>Self-Score</u>
1	No. of Years of Experience as a Practising Advocate as on the date of Publication of Advertisement for empanelment. (To be calculated from the date of registration with Bar Council)	1 point for each completed years of practise subject to a maximum of 30 marks.	Minimum 20 Maximum 30	
2	Educational Qualification	5 Points for Post Graduation Degree in Law (LLM) or any other specialisation related to Law.	Minimum - NIL, Maximum - 5 (Note - Having PG Degree is not mandatory for empanelment. But having it will give 5 points to the advocate)	
3	Corporate Cliental - (1) PSU/Government Company - 10 point each, or (2) Any other Company having paid up share capital and Turn Over of Rs. 1000 Cr. Or more - 8 point each, or (3) Any other Institution/ Organisation etc. - 5 point each, (Note:- Copy of empanelment letter to be supplied)	Subject to a maximum of 40 marks.	Minimum 15 marks Maximum 40	
4	The Gross average receipt / income of the applicant made during the Three (3) immediately preceding financial year should be Minimum Rs. 10 Lakhs, based on Income Tax Return filed.	15 marks for meeting the prescribed ITR limit. Additional 2 marks per one lakhs rupees of average income, over and above the prescribed minimum for eligibility.	Minimum 15 Marks Maximum 25 Marks	
Note - Having office infrastructure within the city limits shall be a mandatory pre-qualifying condition even though no separate mark allocation under that head is done.				
	Total Evaluation Points - Maximum Marks		100	

SCRUTINY CRITERIA FOR CATEGORY-B ADVOCATES (More than 10 years)

<u>Sr. No.</u>	<u>Criteria</u>	<u>Total Marks</u>	<u>Minimum /Maximum Marks for eligibility</u>	<u>Self-Score</u>
1.	No. of Years of Experience as a Practising Advocate as on the date of Publication of Advertisement for empanelment. (To be calculated from the date of registration with Bar Council)	2 point for each completed years of practise subject to a maximum of 30 marks.	Minimum 20 Maximum 30	
2.	Educational Qualification	5 Points for Post Graduation Degree in Law (LLM) or any other specialisation related to Law.	Minimum - NIL, Maximum - 5 (Note - Having PG Degree is not mandatory for empanelment. But having it will give 10 points to the advocate)	
3.	Corporate Cliental - (1) PSU/Government Company - 10 point each, or (2) Any other Company having paid up share Capital and Turn Over of Rs. 1000 Cr. Or more - 8 point each, or (3) Any other Institution/ Organisation etc. - 5 point each,	Subject to a maximum of 40 marks.	Minimum 15 marks Maximum 40	
4.	The Gross average receipt / income of the applicant made during the Three (3) immediately preceding financial year should be Minimum Rs. 8 Lakhs, based on Income Tax Return filed.	15 marks for meeting the prescribed ITR limit. Additional 2 marks per one lakhs rupees of average income, over and above the prescribed minimum for eligibility.	Minimum 15 Marks Maximum 25 Marks	
Note - Having office infrastructure within the city limits shall be a mandatory pre-qualifying condition even though no separate mark allocation under that head is done.				
	Total Evaluation Points- Maximum Marks		100	

SCRUTINY CRITERIA FOR CATEGORY-C ADVOCATES (More than 5 years)

Sr. No.	Criteria	Total Marks	Minimum /Maximum Marks for eligibility	Self - Score
1.	No. of Years of Experience as a Practising Advocate as on the date of Publication of Advertisement for empanelment. (To be calculated from the date of registration with Bar Council)	4 point for each completed years of practise subject to a maximum of 30 marks.	Minimum 20 Maximum 30	
2.	Educational Qualification	5 Points for Post Graduation Degree in Law (LLM) or any other specialisation related to Law.	Minimum - NIL, Maximum - 5 (Note - Having PG Degree is not mandatory for empanelment. But having it will give 10 points to the advocate)	
3.	Corporate Cliental - (1) PSU/Government Company - 10 point each, or (2) Any other Company having paid up share Capital and Turn Over of Rs. 1000 Cr. Or more - 8 point each, or (3) Any other Institution/ Organisation etc. - 5 point each,	Subject to a maximum of 40 marks.	Minimum 15 marks Maximum 40	
4.	The Gross average receipt / income of the applicant made during the Three (3) immediately preceding financial year should be Minimum Rs. 5 Lakhs, based on Income Tax Return filed.	15 marks for meeting the prescribed ITR limit. Additional 2 marks per one lakhs rupees of average income, over and above the prescribed minimum for eligibility.	Minimum 15 Marks Maximum 25 Marks	
Note - Having office infrastructure within the city limits shall be a mandatory pre-qualifying condition even though no separate mark allocation under that head is done.				
	Total Evaluation Points - Maximum Marks		100	

Eligibility Criteria And Other Conditions For Empanelment

1) Eligibility:

a) NUMBER OF YEARS OF PRACTICE (Number of Years of Practice will be reckoned from the date of registration with Bar Council): -

Sr. No.	City	Category	No. of post qualification years of experience
1	Nagpur	A	20 +
2	Nagpur	B	10 +
3	Nagpur	C (Documentation)	5 +
4	Balaghat	A	20 +
5	Balaghat	B	10 +
6	Jabalpur	A	20 +
7	Jabalpur	B	10 +
8	New Delhi	A	20 +
9	Tumsar / Bhandara	A	20 +

b) INCOME TAX RETURNS (ITR):-

The applicant should submit ITR of last 3 years. The Gross average receipt / income of the applicant in last Three (3) years should be as follows:-

Minimum Rs. 10 Lakhs (for more than 20 years post qualification experience – Category A);

Minimum Rs. 8 Lakhs (for more than 10 years post qualification experience – Category B);

Minimum Rs. 5 Lakhs (for more than 5 years post qualification experience – Category C);

c) AREA OF PRACTICE:-

The applicant should be experienced in Commercial Laws/Labour Laws/Service & Industrial Law/Contract Laws/Mining Laws/Arbitration Laws/Environmental Laws/Constitution Law in the respective courts wherever applying.

d) OFFICE INFRASTRUCTURE:-

The applicant should have a suitable office infrastructure alongwith necessary staff, within the city limits in respect of which the application is made. A self-certification be provided in this regards in the attached format-I. Applicant not having office infrastructure within the city limits shall not be considered. (Address proof like electricity bill, tax receipt etc. of office infrastructure to be supplied).

e) EMPANELMENT IN OTHER GOVERNMENT COMPANY/PUBLIC LIMITED COMPANY/ INSTTUION / ORGANIZATION:-

The applicant should be empaneled on at least Three (3) any other Government Company / Public Ltd. Company / Institution / Organization etc.

f) Evaluation Criteria:-

- (i) Only individual practicing advocates should apply. Law firms shall not be considered.
- (ii) The Minimum number of marks mentioned in the scrutiny criteria in attachment II (mentioned in each criteria except in sl. No. 2 i.e. educational qualification) shall be pre-qualifying criteria required for empanelment. However, the lawyers shall be arranged in the descending order of marks obtained and top scoring lawyers shall be empaneled as per the requirement. Scoring of minimum marks shall not ipso facto entitle the lawyer for empanelment.
- (iii) The applicant should be empaneled on at least Three (3) any other Government Company / Public Ltd. Company / Institution / Organization etc.
- (iv) The applicant should have a suitable office infrastructure alongwith necessary staff, within the city limits.
- (v) In Case of more than 2 advocates having same number of marks they will be arranged in descending order based on their experience and preference will be given to more experienced person,

2) Duties:-

- i) The Advocate shall appear whenever required (after the case has been entrusted) before such Courts/Tribunals/Forums on behalf of MOIL in cases in which MOIL is a party.

- ii) The Advocate shall directly and personally deal with the cases and will not entrust cases to the other Advocates or to his junior Advocates unless agreed to by the MOIL in writing.
- iii) The Advocate shall whenever any case attended to by him is decided against the MOIL or its Officers, give his opinion on the further course of action arises from such a decision. In case where order is in favour, written opinion for filing caveat (if required).
- iv) The Advocate shall keep MOIL informed of the important developments in the case from time to time particularly with regard to the drafting, filing of papers, dates of hearing of the case and its outcome, supplying copies of the Judgments, listing/dates of cases etc.
- v) The Advocate shall furnish Monthly Reports before 5th of every month, in soft copy by sending email to HoD, Legal or through hard copy, or other Returns which may be called for by MOIL from time to time.
- vi) The Advocate shall render detailed account of the Advances received from time to time to MOIL for proper adjustment of the same against his fee bills.
- vii) In the event of change of lawyer during the pendency of the case for whatsoever reasons, the empaneled advocate shall issue "NOC" for engagement of another lawyer.

Note: - as per notification 12 of 2017 (Central Tax) Legal services provided by individual advocate including a senior advocate or firm of advocates is covered under the list of services for reverse charge U/S 9(3) of CGST Act.

3) **Allocation of Cases to Advocates:-**

The cases to the Advocates will be allotted, depending upon the expertise and usefulness of the Advocate, by the HoD (Legal), MOIL in case of HQ and Mine Manager in case of Mines. Provided, Mine Manager shall entrust the matter only after obtaining vetting from HoD (Legal), MOIL before engaging the advocate. In case of urgency the vetting can be obtained via email. Mine Manager should entrust a matter to an advocate empaneled for a particular place and should not engage any advocate empaneled at a place for another place where panel advocates are already available. In cases where any advocate empaneled for a particular place is engaged to appear at another place where panel advocates are already available, then prior approval from HoD (Legal) MOIL will have to be obtained.

4) **General Conditions:-**

- i) In case of restoration of matter only 50% of the fees, Misc. Expenditure shall be paid to the advocate (in a matter in which he is already the dealing advocate).
- ii) During the pendency of a proceeding if an Advocate is changed for some reason or the other, fee commensurate to the work done by the outgoing Advocate may be paid. In such an event, separate fees in the case will be paid to the new Advocate.
- iii) Right to Private practice & Restrictions: - The Advocate shall have right to private practice which should not however interfere with the efficient discharge of his duties as panel Advocate for MOIL. The Advocate, however, shall not accept any brief against MOIL during his tenure of empanelment with MOIL.
- iv) The Advocate shall not be entitled for any special fee in the normal course. For cases which do not fall in any of the courts mentioned above or the cases having substantial financial impact on the company or cases pertaining to the policy of Union of India/MOIL or where the nature of the work is so intricate and complicated involving question of law and arduous work with multiplicity of hearing etc., a reasonable claim for special Fee in respect to that court/cases (as mentioned above) can be considered with the concurrence and approval of Competent Authority under DOP.
- v) An Advocate who ceases to be on MOIL's panel of Advocates for MOIL's work for whatever reasons, will have to return the brief within seven days from the date on which he/she ceases to be the panel advocate of MOIL.
- vi) If for any reason an already empaneled advocate is not able to qualify the conditions prescribed in the present advertisement, he shall not be empaneled. He may be allowed to continue defending the already allotted (before the date of the publication) case in the best interest of the company till its disposal at the new fee schedule prescribed herein (with the approval of competent authority). However, no new cases shall be allotted to the said advocate.
- vii) The empanelment of advocates shall be reviewed after every Five (5) years. The rates of Fee provided in the 'Schedule' here above will be reviewed after every Three (3) years by 5% increase in the fee schedule.

CITY-WISE SCHEDULE OF FEES FOR EMPANELLED ADVOCATES OF MOIL LTD.

Nagpur -

Fee Schedule for Nagpur Category - "A" (20+ years' experience)

Sr. No.	Particulars	Fees
1	For matters before the Hon'ble High Court at Bombay, Nagpur Bench, consolidated fees per case	Rs. 40,000/-
2	For matters before the CGIT/Labour Court/Industrial Court/any other Tribunal etc., consolidated fees per case	Rs. 30,500/-
3	For matters before District Court., consolidated fees per case	Rs. 23,500/-
4	For Arbitration matters, fees per appearance	Rs. 8,800/-
5	For Drafting, vetting or finalization of litigation matters including Civil Suits, Reply, Applications, Written Statements, Affidavits etc. per Drafting	Rs. 5,000/-
6	For Drafting, vetting or finalization of Agreements / Contracts etc. per Drafting	Rs. 7,000/-
7	For Opinions / Consultation per opinion / Consultation	Rs. 6,600/-

Fee Schedule for Nagpur Category - "B" (10+ years' experience)

Sr. No.	Particulars	Fees
1	For matters before the Hon'ble High Court at Bombay, Nagpur Bench, consolidated fees per case	Rs. 16,500/-
2	For matters before the CGIT/Labour Court/Industrial Court/any other Tribunal etc., consolidated fees per case	Rs. 14,000/-
3	For matters before District Court, consolidated fees per case	Rs. 14,000/-
4	For Arbitration matters, fees per appearance	Rs. 5,500/-
5	For Drafting, vetting or finalization of litigation matters including Civil Suits, Reply, Applications, Written Statements, Affidavits etc. per Drafting	Rs. 3,300/-
6	For Drafting, vetting or finalization of Agreements / Contracts etc. per Drafting	Rs. 3,300/-
7	For Opinions / Consultation per opinion / Consultation	Rs. 2,200/-

Fee Schedule for Nagpur Category – “C” (Documentation) (5 + Years’ experience)

Sr. No.	Particulars	Fees
1	Professional fees for sale deed execution	Rs. 3,300/-
2	Challan preparation per sale deed	Rs. 550/-
3	Data entry per sale deed	Rs. 275/-
4	Search / Title verification Report	Rs. 1,650/- (Excluding Mandatory Search charges per year which is to be borne by MOIL on actuals as per the receipts)
5	Public Notice drafting charges	Rs. 1,100/-
6	Notice Publication Charges	On actuals
7	Misc. Charges + Clerkage per sale deed	Rs. 2,750/-

Balaghat-

Fee Schedule for Balaghat Category – “A” (20+ years’ experience)

Sr. No.	Particulars	Fees
1	For matters before the CGIT/Labour Court/Industrial Court/any other Tribunal etc., consolidated fees per case	Rs. 11,000/-
2	For matters before District Court, consolidated fees per case	Rs. 10,000/-
3	For Arbitration matters, fees per appearance	Rs. 2,000/-
4	For Drafting, vetting or finalization of litigation matters including Civil Suits, Reply, Applications, Written Statements, Affidavits etc. per Drafting	Rs. 2,000/-
5	For Drafting, vetting or finalization of Agreements / Contracts etc. per Drafting	Rs. 2,000/-
6	For Opinions / Consultation per opinion / Consultation	Rs. 2,000/-

Fee Schedule for Balaghat Category – “B” (10 + years’ experience)

Sr. No.	Particulars	Fees
1	For matters before the CGIT/Labour Court/Industrial Court/any other Tribunal etc., consolidated fees per case	Rs. 9,000/-
2	For matters before District Court, consolidated fees per case	Rs. 7,000/-
3	For Arbitration matters, fees per appearance	Rs. 1,000/-
4	For Drafting, vetting or finalization of litigation matters including Civil Suits, Reply, Applications, Written Statements, Affidavits etc. per Drafting	Rs. 1,000/-
5	For Drafting, vetting or finalization of Agreements / Contracts etc. per Drafting	Rs. 1,000/-
6	For Opinions / Consultation per opinion / Consultation	Rs. 1,000/-

Jabalpur-

Fee Schedule for Jabalpur Category – “A” (20+ years’ experience)

Sr. No.	Particulars	Fees
1	For matters before the Hon’ble High Court of Madhya Pradesh, Jabalpur Bench, consolidated fees per case	Rs. 40,000/-
2	For matters before the CGIT/Labour Court/Industrial Court/any other Tribunal etc., consolidated fees per case	Rs. 20,000/-
3	For matters before District Court., consolidated fees per case	Rs. 20,000/-
4	For Arbitration matters, fees per appearance	Rs. 8,800/-
5	For Drafting, vetting or finalization of litigation matters including Civil Suits, Reply, Applications, Written Statements, Affidavits etc. per Drafting	Rs. 9,000/-
6	For Drafting, vetting or finalization of Agreements / Contracts etc. per Drafting	Rs. 9,000/-
7	For Opinions / Consultation per opinion / Consultation	Rs. 9,000/-

Fee Schedule for Jabalpur Category - "B" (10 + years' experience)

Sr. No.	Particulars	Fees
1	For matters before the Hon'ble High Court of Madhya Pradesh, Jabalpur Bench, consolidated fees per case	Rs. 16,500/-
2	For matters before the CGIT/Labour Court/Industrial Court/any other Tribunal etc., consolidated fees per case	Rs. 14,000/-
3	For matters before District Court, consolidated fees per case	Rs. 14,000/-
4	For Arbitration matters, fees per appearance	Rs. 5,500/-
5	For Drafting, vetting or finalization of litigation matters including Civil Suits, Reply, Applications, Written Statements, Affidavits etc. per Drafting	Rs. 3,300/-
6	For Drafting, vetting or finalization of Agreements / Contracts etc. per Drafting	Rs. 3,300/-
7	For Opinions / Consultation per opinion / Consultation	Rs. 2,200/-

New Delhi-

Fee Schedule for New Delhi Category - "A" (20+ years' experience)

Sr. No.	Particulars	Fees
1	For matters before the Hon'ble Supreme Court of India, New Delhi fees per appearance	Rs. 29,000/-
2	For matters before the Hon'ble High Court of New Delhi, fees per appearance	Rs. 29,000/-
3	For matters before the CGIT/Labour Court/Industrial Court/Mines Tribunal/any other Tribunal etc., fees per appearance	Rs. 19,000/-
4	For matters before District Court, fees per appearance	Rs. 19,000/-
5	For Arbitration matters, fees per appearance	Rs. 8,800/-
6	For Drafting, vetting or finalization of litigation matters including Civil Suits, Reply, Applications, Written Statements, Affidavits etc. per Drafting	Rs. 19,000/-
7	For Drafting, vetting or finalization of Agreements / Contracts etc. per Drafting	Rs. 19,000/-
8	For Opinions / Consultation per opinion / Consultation	Rs. 10,000/-

Tumsar/Bhandara-

Fee Schedule for Tumsar/Bhandara (Maharashtra) Category – “A” (20+ years’ experience)

Sr. No.	Particulars	Fees
1	For matters before the CGIT/Labour Court/Industrial Court/any other Tribunal etc., consolidated fees per case	Rs. 14,000/-
2	For matters before District Court, consolidated fees per case	Rs. 14,000/-
3	For Arbitration matters, fees per appearance	Rs. 5,500/-
4	For Drafting, vetting or finalization of litigation matters including Civil Suits, Reply, Applications, Written Statements, Affidavits etc. per Drafting	Rs. 3,300/-
5	For Drafting, vetting or finalization of Agreements / Contracts etc. per Drafting	Rs. 3,300/-
6	For Opinions / Consultation, per opinion / Consultation	Rs. 2,200/-

Note:-

- 1) In addition to above, clerkage on actuals subject to a maximum of 20% of the professional fees would be paid for all cities.
- 2) Apart from the above fee schedule lawyers of all cities shall be entitled to claim outstation charges only in case where matter is to be handled at other Districts as follows:-

Sr. No.	Outstation Charges	Fees
A)	Fees for appearances per case per day including period/stay out of station in connection with the company’s cases.	Rs. 7,500/- per day as incidental
B)	Fooding	Actual as certified
C)	TA/DA	Air Fare/Rail Fare 1 st A/C class/ Taxi (to & fro)
D)	Stay	Actual expenses of stay in 3/4 Star Hotel
E)	Local Journey	Actual by Taxi

- 3) The fees shall be paid according to the schedule above and at the following time:
 - i. 50% of the fees + Clerkage (full) would be paid initially i.e. at the time of entrusting the matter.
 - ii. Balance 50% of the fees at the time of disposal of the matter.
- 4) The fees for case, as provided in this schedule, includes fees for all pleadings, all interlocutory applications, replies, application for condonation of delay etc. in a case.

- 5) The Advocate shall at the time of raising final bill, whenever any case attended by him is decided against the MOIL or its Officers, give his written opinion on the further course of action arising from such a decision. In case where order is in favour, written opinion for filing caveat (if required).
- 6) The Advocate shall render certificate, mentioning whether initial fees/advance claimed or not, to MOIL for proper adjustment of the same against his final fee bill.
- 7) The final bill shall be cleared only after a copy of the entire case file (plant/petition), counter, rejoinder, reply to rejoinder, orders, certified copy of final order/judgment etc.) is submitted alongwith the final bill.

The fee prescribed in the schedule is inclusive of providing the certified copy of the final order/judgment.

Subject to conditions stated above, the certified copy of the final order/judgment should be applied on the day/next day of the judgment/final order and should be provided within fifteen days from the date of the final order/judgment or in case certified copy of the final order/judgment is not available then a letter /email mentioning the details of the judgment/final order be provided within fifteen days.