



डा बी आर अम्बेडकर राष्ट्रीय प्रौद्योगिकी संस्थान, जालन्धर
Dr B R AMBEDKAR NATIONAL INSTITUTE OF TECHNOLOGY, JALANDHAR
जी टी रोड बाईपास, जालन्धर-१४४०२७, पंजाब (भारत)
G T Road Bypass, Jalandhar-144027, Punjab (India)
(An Institute of National Importance)

Ref. No. NITJ/LGL/96

Dated: 01.07.2022

Expression of Interest for Empanelment of Advocates/Law Firms

Eoi No. NITJ/LGL/01-2022

Dr B R Ambedkar National Institute of Technology, Jalandhar, a CFTI under Ministry of Education, Government of India, imparting Technical Education and engaged in Research Activities, hereinafter referred as NITJ, proposes to engage Legal Counsel(s) to represent the Institute before the Supreme Court of India, Punjab & Haryana High Court, Chandigarh, Tribunals, District & Sessions Court, Jalandhar, Subordinate Court, Jalandhar and any other judicial/quasi-judicial bodies within the territory of India.

The interested Counsels/Law companies/Firms and practicing advocates registered with Bar Council of India/State Bar Council having adequate experience in dealing with legal matters pertaining to academics/education/service matters/autonomous bodies are eligible for empanelment. The Qualification, Experience, Schedule of Fees, Other terms and conditions and the application format in which the application has to be made, have been prescribed and are mentioned in detail in this Notice.

Eligible Law Firms and practicing advocates may send their applications in the format prescribed in **Annexure "A"** enclosed herewith alongwith all supporting documents (scanned in a single file) to the email id: arlegal@nitj.ac.in

The hard copy of the Application may also be forwarded to the below mentioned address:

Kind Attention: Assistant Registrar (Legal Cell)
Director,
Dr B R Ambedkar National Institute of Technology, GT Road Bypass,
Jalandhar-144027
Punjab, India

The last date of receiving Applications in the prescribed format alongwith supporting documents is 21st July, 2022.

Only those who are ready to accept the terms and conditions in this notice shall be considered for empanelment. Applicants are required to mention Courts of jurisdiction wherein they want to represent NITJ.

Note: Applying for empanelment at NITJ does not confer any right/assurance whatsoever that they will be empaneled on the panel of NITJ. Letters to advocates confirming their empanelment will be issued by NITJ separately.

Place : Jalandhar
Date : 01.07.2022

Sd-
Registrar

Terms and Conditions for Panel Advocates

1. Eligibility of Empanelment:

(i) The Advocates/Firms should be familiar with various branches of law especially those concerning laws of matters related to land disputes, constitutional/service law, contract law, property laws and taxation, Arbitration matters, academic/education matters, service matters, autonomous bodies etc.

(ii) For empanelment with NITJ as Legal Counsel(s), an individual Advocate must have at least Five (5) years of experience as practicing Advocate and in case of firms the Senior Most Advocate/Partner/Associate of the firm must have at least ten (10) years of experience as practicing Advocate.

(iii) There would be a court specific empanelment i.e. for the Supreme Court of India, Punjab & Haryana High Court, Chandigarh, District & Sessions Court, Jalandhar, Subordinate Courts, Jalandhar.

(iv) For designation of an Advocate to handle the cases before all other courts not mentioned above: At least 5 years' experience in case of individual advocate and 10 years of experience of Sr. Partner in the case of firms.

2. Tenure of Empanelment:

The initial empanelment will be for two years or until further orders whichever is earlier. Performance of empaneled advocates shall be reviewed on annual basis. However, on completion of the term and satisfactory performance of the advocate, the empanelment may be renewed for a period of another Two years by the NITJ. The NITJ reserves the right to terminate the empanelment of any advocate at any time without assigning any reason thereof.

3. Duties of the Counsel:

The counsel shall perform the following duties:

(i) Represent NITJ before the Supreme Court of India, Punjab & Haryana High Court, Chandigarh, District & Sessions Court, Jalandhar, Subordinate Courts, Jalandhar Division and other judicial quasi-judicial bodies;

(ii) Provide legal advice to NITJ on civil, criminal, service and such other matters arising in due course of administration of the Institute as are referred to him/her including:

(a) Examination and drafting of legal documents;

(b) Drafting of applications, petitions etc., to be filed in various courts of law;

(c) Prompt removal/curing of defects in appeals/petitions files; as may be pointed out by the registry;

(iii) Apply for the copy of judgment from the court in cases attended by him/her and supply the copy of judicial pronouncements at the earliest but not later than 10 days from the date of order (excluding the time taken by the court in preparation of the copy);

(iv) If required, render all assistance to Special or Senior Counsel engaged in a particular case before the Supreme Court, Punjab & Haryana High Court and other judicial bodies;

(v) Keep NITJ informed and updated on all important developments in the designated cases, dates of hearing, order of the court on the date of its pronouncement, supplying copy of judgment etc;

- (vi) Furnish monthly statement about the cases represented by him/her before the different judicial bodies or any other authority and their outcomes;
- (vii) Perform such other duties of legal nature which may be assigned to him/her by NITJ;
- (viii) When any case attended to by him/her is decided against the Institute, give considered opinion regarding the advisability of filing an appeal from such a decision not later than 5 working days of the order.

4. General Instructions:

- a.** The size of the panel and number of Advocates in Panel shall be determined by the Competent Authority based on the requirement and quantum of work. The volume of work shall be assessed on the basis of the pending cases in the preceding year and the fresh cases likely to be added in the succeeding years.
- b.** Cases involving similar issues/points of law or otherwise interlinked or clubbed may be entrusted to the same Advocate as far as possible, while care shall be taken to avoid concentration of cases in the hands of one Advocate/a few advocates/law firm.
- c.** Refusal by any advocate to accept any work without any reasonable cause (e.g. on grounds of conflict of interest) may entail removal of such advocate from the panel.
- d.** The advocates shall accept the terms and conditions of the empanelment as determined by NITJ from time to time.
- e.** In case of empanelment of Law Firms, all the terms and conditions for empanelment of the individual Advocates shall apply mutatis mutandis to them.
- f.** The Advocate/firm shall not advise any party or accept any case against NITJ in which he/she has appeared or is likely to be called upon to appear for or advise which is likely to affect or lead to litigation against NITJ;
- g.** If the Advocate happens to be a partner of a firm of lawyers or solicitors, it shall be incumbent upon the firm not to take up any case against NITJ in any Court of Law/Tribunal/Commission or any case arising out of those cases e.g. appeals and revisions;
- h.** In cases where on the request of Deputy Commissioner of District Jalandhar or any other competent authority of the State/Government of India, interests of UOI/Government of Punjab have also to be protected, no extra fees shall be paid to the advocate to watch and safeguard the interests of UOI/Government of Punjab.

5. Payment of Fee and Other Conditions:

- (i) The fee structure for the services of empaneled legal counsel of NITJ for representing the Institute before various courts of jurisdiction or for tendering legal opinion shall be paid as per the Office Memorandum No. 26 (1)/2014 judl. Dated 01.10.2015 issued by Judicial Section, Department of Legal Affairs, Ministry of Law & Justice, Government of India
- (ii) The Competent Authority shall have the right in exceptional cases to approve the payment of a higher fee than the fee prescribed in the above mentioned Office Memorandum keeping in view the importance of the matter and the labour and efforts put in by the advocate in a particular case. It shall also have the power to fix the fee for eventualities which have not been mentioned in the schedule till appropriate amendment is made in this regard in the Fee Schedule by NITJ. The decision of Director NITJ in this regard shall be final & binding.

6. Procedure for Empanelment:

The applications (as per **Annexure-A** and alongwith all supporting documents) received will be short listed. NITJ reserves the right to decide the criteria of short-listing. Preference shall be given to law firms/Advocates who are specializing/ have experience in handling matters relating to academics/education/arbitration matters/educational institutes which are autonomous bodies and related matters. With reference to empanelment in service matters, preference shall be given to Advocates specializing in service matters before Hon'ble High Court/Supreme Court of India.

Advocates/Law Firms who will be empaneled shall be informed about such empanelment as and when the process is complete. Letters to advocates confirming their empanelment will be issued by NITJ separately. There shall be no obligation on NITJ to complete the process within any specified time or limit. NITJ shall not entertain any request or query from any desirous applicants on the status of their empanelment at any time.

Applying for empanelment at NITJ does not confer any right/assurance whatsoever that they will be empaneled on the panel of NITJ.

7. Communication of Empanelment:

After a decision to empanel the advocate is taken, a communication in writing to this effect shall be sent to the shortlisted Advocate/Firms as per **Annexure-B** with acknowledgment and acceptance due. The process of empanelment shall be complete when NITJ receives an acceptance letter from the advocate.

8. Right to Private Practice:

The Counsel will have the right of private practice, which should not however, interfere with the efficient discharge of work of NITJ but he/she shall not advise, hold briefs or appear against NITJ before any authority, tribunal or court of law;

If the counsel happens to be a partner in a firm of lawyers or solicitors, it will be incumbent on the firm, not to take up any case against NITJ in any court of law or;

Any other case arising in other courts out of cases pertaining to NITJ e.g. appeals and revision in the High Court or the Supreme Court.

9. Termination of appointment/resignation:

NITJ reserves the right to terminate the appointment/empanelment of a Counsel with one month's notice in writing without assigning any reason. The counsel may also resign from the Commission by serving one month's notice.

NITJ is free to engage any advocate of its own choice and an empaneled Advocate shall make no claim that he/she alone should be entrusted with NITJ's legal matter(s).

10. Disablements:

Disablement on the part of the Advocate shall mean and include any of the following:

- (i) Giving false information in the application for empanelment;
- (ii) Handing over the brief or matter to another advocate without prior written permission of the NITJ;
- (iii) Failing to attend the hearing of the case without any sufficient reason and/or prior information;
- (iv) Not acting as per NITJ's instructions or going against specific instructions;
- (v) Not returning the brief when demanded or not allowing or evading to allow its inspection on demand;

- (vi) Misappropriation of the NITJ's funds or earmarkings, using the same towards his fee without NITJ's permission;
 - (vii) Threatening, intimidating or abusing any of the NITJ's employees, officers, or representatives;
 - (viii) Making any of his associates or juniors to appear on behalf of any of the opposite parties in cases/appeal related to NITJ;
 - (ix) Committing an act that tantamount to contempt of court or professional misconduct;
 - (x) Conviction of the Advocate in any offence resulting into arrest or detention or disbarment by the Bar Council;
 - (xi) Passing on information relating to NITJ's case on to the opposite parties or their advocates or any third party which is likely to cause any damage to the NITJ's interests;
 - (xii) Giving false or misleading information to the NITJ relating to the proceedings of the case; and
 - (xiii) Seeking frequent adjournments or not objecting the adjournment moved by other party without sufficient reason.
- Empanelment shall be liable to be cancelled due to occurring of any of the above disablements on the part of the Advocate.

11. Doubt/Difficulty:

If there arises any doubt/difficulty with respect to the implementation/interpretation of any clause of these guidelines, the same shall be placed before Director, NITJ and his decision in this regard shall be final and binding.

13) Other Powers

NITJ reserves the right to take away a case assigned to a particular advocate/firm and may assign it to some other advocate/firm from the panel or even outside the panel if it deems fit that the case is not properly represented before the Institute or in case the Advocate/Firm expresses their inability to fight the case.

NITJ can even hire the services of any other advocate(s) apart from the panel of Legal Counsel(s) on any amount of payment as per the severity of the case, it deems fit in order to protect the rights of the Institute in any case. The panel should give due respect to the decision of the Institute and they are ought to provide their legal advice and support to that advocate in case the Institute asks them to assist that Advocate.

NITJ may also appoint any of the Advocate from the panel or even outside the panel to receive the Petitions/Notices/Orders from a court on behalf of the Institute and take appropriate steps on the same with the consultation of the Institute.

In every case, the decision of NITJ is final and bounding upon each advocate/firm.

NOTE: The Advocates who are already the Retainer Counsel of NITJ need not apply again.

Registrar

ANNEXURE 'A'

FORMAT OF APPLICATION FOR ADVOCATES

- 1) Name:
- 2) Date of Birth:
- 3) Educational Qualifications:
- 4) Category for which applying: Supreme Court/Punjab & Haryana High Court/Tribunals/District & Sessions Court, Jalandhar/ Subordinate Court, Jalandhar
- 5) Enrolment No., Date of Enrolment, Name of Bar Council
(Copy of enrolment certificate must be attached)
- 6) Period of practice
- 7) Details of Experience/practice (in years)
- 8) Area of practice (relevant field in which the candidate has conducted the cases)
- 9) Specialization, if any (service matters/constitution/etc.)
- 10) Number of cases in a year conducted (for past 5 years)
- 11) Whether Central Govt. counsel/pleader (indicate period)
- 12) Brief list of clients e.g. Govt./Organizations/Commissions/PSUs
- 13) The courts where the Advocate is regularly practicing
(Enclose Bar Association Membership Certificate)
- 14) PAN Number
- 15) Copies of the Income Tax Returns for the last five years

Verification

- i) I declare that I have never been penalized by any bar council in any Disciplinary Proceedings.
- ii) I also undertake to maintain absolute secrecy about the cases of NITJ as required under the Act, Rules and Regulations thereunder.
- iii) I agree with the Fee Schedule notified by NITJ.

Signature of Advocate

Address (office & residence/chamber)

Date:

Tel. No./ Mobile No.

Place:

Fax No./Email ID

Note: Documents to be attached alongwith this application form:

(i) Copy of Law Degree and other qualifications; (ii) Copy of Registration Certificate Issued by the Bar Council; (iii) Copy of Identity Card issued by the Bar Association; (iv) Copy of ID Proof; (v) Copies of 10 judgements where the Advocate/Law Firm has appeared as pleader; (vi) Copies of Empanelment Letter issued by other Authorities/entities in favour of the Advocate; (vii) Resume' with a brief profile of experience, background, education, list of clients and nature of cases dealt with; (viii) Two recent coloured passport size photographs; (ix) Copy of Income Tax Returns for last five financial years

ANNEXURE 'B'

To,

Mr _____,

Advocate

Dear Sir,

Subject: Empanelment as NITJ's Advocate

This is with reference to your application dated _____ received w.r.t the EOI No. NITJ/LGL/_____ dated _____ wherein you have evinced interest for empanelment as an advocate with NITJ. We are pleased to inform that your request has been considered favourably and you are advised to give your assent for empanelment on following terms and conditions (A copy of guidelines enclosed):

1. You will abide by NITJ's terms and conditions as enumerated in the Guidelines for such empanelment.
2. Your fees would be strictly governed by NITJ as per the Office Memorandum No. 26 (1) /2014 judl. Dated 01.10.2015 issued by Judicial Section, Department of Legal Affairs, Ministry of Law & Justice, Government of India and you will not claim any retainer fee or employment in NITJ's service.
3. You will not accept any case against NITJ.
4. You will take necessary steps to protect the interest of the NITJ in matters entrusted to you from time to time.
5. Empanelment does not confer any right or claim that you alone should be entrusted with the NITJ's work.
6. You will personally deal with the case assigned to you in addition to coordinating and working with designated Senior Advocate, if any, engaged in some matter.
7. On unsatisfactory performance in any assigned matter, NITJ may at any time, at its discretion, withdraw from you such proceeding/matter/brief and may discontinue you as NITJ's advocate without paying any further fees.
8. You will keep NITJ informed about the developments in the matters entrusted to you.
9. Unless a case is specially assigned to you by the NITJ, you will not on your own receive Summons / Notices of the NITJ's matters and even if you receive, if no Vakalatnama is given to you, you shall not otherwise deal with such cases. However, you will immediately inform NITJ in this regard.
10. You shall not use NITJ's name or symbol, logo in your letter heads, sign boards name plates etc.
11. In case of any misconduct, NITJ will take appropriate action against you which includes filing complaint with Bar Council and recovery of financial loss caused to the NITJ due to your misconduct.
12. In case of initiation of any disciplinary proceedings / criminal proceeding against you, the NITJ may remove you from the panel even without waiting for the conclusion of such proceedings.
13. Your performance will be reviewed on yearly basis and if your services are not required / found upto the mark, NITJ may remove you from panel and the cases/matters entrusted to you will be taken back from you.
14. You are required to maintain absolute secrecy about the cases of NITJ as required under the Act, relevant rules and regulations and you shall not divulge any details to an outsider or opponent as the case may be without written consent of the NITJ.
15. You are requested to return the duly signed duplicate copy of this letter indicating your unconditional consent.

We look forward for better cooperation and hope for good relations with you.

(Authorized Signatory)