

Inland Waterways Authority of India

No.8/IWAI/Estt/09/97

Dated: 01.07.2020

Advertisement/ Notice

The Inland Waterways Authority of India (IWAI) is a Statutory Body under Ministry of Shipping, Government of India intends to empanel Advocates/ Law firms for representing IWAI and its Regional/Sub Offices before different Courts, Tribunals and Arbitrators for safeguarding IWAI's interest and seeking legal advice/opinion for drafting and vetting of documents, petitions, appeals and replies etc. arising out of different issues.

IWAI Website www.iwai.nic.in may be visited for eligibility, criteria, terms and condition **(ANNEXURE-A)**

The interested Counsels/Law companies /Firms having adequate experience in dealing with legal matters pertaining to Labour laws/Finance /Commercial/Tender process/ Arbitration / Environmental/ Service matter, may apply in prescribed proforma along with detailed Bio-data/ Curriculum vitae to Assistant Secretary(E), Inland Waterways Authority of India, A-13 Sector-1 Noida, UP-201301 within thirty days from the date of release of this advertisement.

IWAI reserves the right to withdraw/alter in the fee schedule /cancel this advertisement at any stage /time without any notice, assigning any reason.

Sd

SECRETARY

NOTE: The existing panel of Advocates/ firms need to apply again in pursuance of this Notice/Advt

ANEXXURE A**INLAND WATERWAYS AUTHORITY OF INDIA****Subject: Empanelment of Advocates/ Law firms for representing and assisting the Authority before various Courts/ Tribunal etc. – regarding.**

The Inland Waterways Authority of India (IWAI) intends to engage Advocate(s)/Law Firm(s) for representing IWAI before different Court(s)/Tribunal(s) for rendering legal advice, drafting of petitions, vetting of legal documents etc.

Interested Advocates/Law Firms may submit their application in the attached performa(**Appendix 2/3.**) The details and terms & conditions are as under:

1. General

For the purposes of these Guidelines, the terms used will have the following meaning:

- (i) 'Advocate' /'Law Firm' means an advocate, entered in any roll of advocates under the provisions of Advocates Act, 1961 (25 1961).
- (ii) 'Authority' shall mean Inland Waterways Authority of India as constituted under Section 3 of The Inland Waterways Authority of India Act,1985.
- (iii) The competent authority shall be the Authority or any officer so designated by the Authority.
- (iv) The court shall mean and include any Tribunals, High Court, or Supreme Court.
- (v) 'Effective Hearing' shall mean a hearing in which either one or both or all the parties involved in a case are heard by the court. If the case is only mentioned and adjourned or only directions are given or judgment is pronounced, it would not constitute an effective hearing for the purposes of these guidelines.

- (vi) In case of empanelment of Law Firms, all the terms and conditions for empanelment of the individual Advocates shall apply *mutatis mutandis* to them.
- (vii) If required and considered appropriate by the Competent Authority, Attorney General of India/Solicitor-General of India/Additional Solicitor General/Advocate General/Designated Senior Advocates may be engaged to argue the cases on behalf of the Authority keeping in view the urgency and importance of a particular matter. They shall be engaged on case to cases basis with the approval of the Competent Authority.

2. Tenure/terms of Empanelment

The initial empanelment of the Advocate(s)/Law Firm(s) will be for a period of three years. Performance of empanelled advocates shall be reviewed on an annual basis. However, on completion of the term and satisfactory performance of the advocate, the empanelment may be renewed for a further period as the Authority may decide. The Authority reserves the right to terminate the empanelment of any Advocate(s)/Law Firm(s) at any time.

3. Eligibility for Empanelment

- (i) The Advocate(s)/Law Firm(s) should be familiar with various branches of law especially those concerning Constitutional law, Civil law, Commercial law, Economic laws, Corporate law, Marine law, Environmental Law, Social Security Laws and Arbitration and Conciliation Laws other relevant laws relating to regulation.
- (ii) The Advocates are required to have the minimum professional/court practice experience as under:
 - a) For empanelment for the Supreme Court of India.....10 yrs. experience in Supreme Court.
 - b) For empanelment for the High Court in India 10 yrs. experience in High Court.

For considering empanelment, generally those Advocates/Law Firm who are regularly practicing, including Advocates-on-Record of the Supreme Court and High Court, would be considered, if they are otherwise found to be competent and suitable.

However, the Competent Authority reserves the right to relax, any or all of the above conditions, at its discretion.

4. Payment of Fee and other Conditions

The fee payable to the Advocates/ Law Firms shall be governed by the Schedule of Fee in the line of fee structure as followed by Ministry of Law & Justice, Govt. of India given at **Appendix-1 (Page-7)** with term and condition as amendment from time to time.

5. Procedure for Empanelment

The Competent Authority will consider the bio-data for empanelment only on merit after due notice in this regard is published on the website of the Authority. While considering the request from the advocates, following points shall be considered:

- (i) Length of practice and specialization in the area of law concerning the Authority.
- (ii) Proper and adequate infrastructure of an advocate, such as office premises, number of junior advocates, assistants, clerks and fax, mobile phone, fixed phone, internet connection, etc.
- (iii) Annual income-tax return filed with the Tax Authorities.
- (iv) Track record and integrity.
- (v) If considered necessary, an enquiry in the respective Bar Council/ Bar Association about the claims and conduct of the advocate to be empanelled can also be made, and credentials verified.
- (vi) If the advocate is empanelled by other regulators/ organizations, opinion of those organizations may be obtained.

The above list is illustrative and not exhaustive. The Competent Authority may also consider any other factor relevant for empanelment.

6. Documents to be obtained from the Advocate

The Advocates /Law Firms will be required to furnish their Bio-data as per the format given in **Appendix-2/3**. The attested copies of the following documents required to be submitted with application:

- i. High School certificate in support of age
- ii. Registration with Bar Council
- iii. Identity card issued by Bar Association/ Bar Council
- iv. Copies of empanelment with other Organizations
- v. Certificates in support of educational qualifications.

- vi. An undertaking from the advocate to the effect that all information furnished is correct.

7. Communication of Empanelment

After a decision to empanel the advocate(s)/ Firm(s) is taken, a communication in writing to this effect shall be sent to the Advocate as per **Appendix-3** with acknowledgement and acceptance due. The process of empanelment shall be complete when Authority receives an acceptance letter from the advocate.

8. Right to Private Practice and Restrictions

- (i) An advocate/Law firm shall have the right to private practice which should not, however, interfere with or be in conflict with the efficient discharge of his duties as an empanelled advocate of the Authority.
 - ii) Law Firm/Advocate shall not advise any party or accept any case against the Authority in which he has appeared or is likely to be called upon to appear or advice.
- (ii) If the advocate happens to be a partner of a firm of lawyers or solicitors, it will be incumbent upon the firm not to entertain any case against the Authority arising in any court.
- (iii) The advocate or the law firm represented by the advocate should not have any of the regulated entity as their client during any time within the 5 years period from the date of issue of this notice.

9. 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 Authority;
- (iii) Failing to attend the hearing of the case without sufficient reason and prior information;
 - a) Not acting as per Authority's instructions or going against specific instructions;

- b) Not returning the brief when demanded or not allowing or evading to allow its inspection on demand;
- (iv) Misappropriation of the Authority's funds or earmarking, using the same towards his fee without Authority's permission;
- (v) Threatening, intimidating or abusing any of the Authority's employees, officers, or representatives;
- (vi) Making any of his associates or juniors to appear on behalf of any of the opposite parties in cases/ appeal related to Authority's without permission;
- (vii) Committing an act Tanta mounting to contempt of court or professional misconduct;
- (viii) Conviction of the Advocate in any offence resulting into arrest or detention or disbarment by the Bar Council;
- (ix) Passing on information relating to Authority's case on to the opposite parties or their advocates which is likely to cause damage to the Authority's interests;
- (x) Giving false or misleading information to the Authority relating to the proceedings of the case; and
- (xi) Frequent adjournment being obtained 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.

10. Removal of Difficulty

In the matter of implementation of these guidelines, if any, doubt or difficulty arises or doubt regarding the interpretation of any of the clause of these guidelines, the same shall be placed before the Authority and the decision of the Authority thereon shall be final.

Appendix-1

No. 26(1)/2014 Judl.
Government of India
Ministry of Law & Justice
Department of Legal Affairs
Judicial Section

New Delhi the 1st October, 2015

OFFICE MEMORANDUM

Sub:- Revision of fee payable to various categories of Central Government Counsel.

In partial modification to this Department's various OMs issued from time to time, the undersigned is directed to convey approval of Competent Authority for the revision of the fee structure applicable to Government counsels of all the categories with immediate effect as per the details given below:-

(A)

The fee structure application to Group 'A' 'B' and 'C' panel Counsel in Supreme Court:-

Sl. No.	Item of work	Revised fee Group 'A' panel Counsel	Revised fee Group 'B' & 'C' Panel Counsel
1.	All Regular Appeals and defended Writ Petitions(for final hearing)	₹ 13,500/- per case per day	₹ 9,000/- per case per day
2.	All defended Admission matters (SLP/TP and writ petitions & other misc. matters for admission)	₹ 9,000/- per case per day	₹ 4,500/- per case per day
3.	Settling of pleadings	₹ 5,250/- per case	---
4.	Appearance in Miscellaneous Applications	₹ 4,500/- per case	---
5.	Conference	₹ 900/- per conference	---
6.	Out of Head quarter	₹ 13,500/- daily fee for the days of his absence from HQ	₹ 9,000/- daily fee for the days of his absence from HQ
7.	Conveyance charges for performing local journey while outside Head quarter.	₹ 1,500/-	₹ 1,500/-
8.	Clerkage	NIL	NIL
9.	Drafting SLP/Counter Affidavit /Rejoinder etc.	---	₹ 3,000/- per case
10.	Drawing Written Submission	---	₹ 3,000/- per case
11.	Drafting or Appearance in Miscellaneous Applications (including mentioning of the case /Caveat/Clearance/ obtaining the number and taking date for hearing)	---	₹ 3,000/- per case

All other terms and conditions applicable to Group 'A' , 'B' and 'C' Panel Counsel in Supreme Court in the pre-revised OM no. 21(04/1999- Judl, dated 24.09.1999 read with OM No. 21(05)/2011- Judl. dated 01.10.2011 shall continue to remain applicable unless specifically revoked/ revised.

(B)

The Fee structure applicable to Assistant Solicitors General of Various High Courts, Central Government Standing Counsel of Delhi High Court (CGSC), Senior Central Government Standing Counsel (Sr. CGSC) of various Benches of CAT and Senior Panel Counsels in various High Courts/CAT Benches (excluding the High Courts of Bombay and Calcutta) as per the following rates:-

Sl. NO.	Item of Work	Revised fee
1.	Retainer Fee of:- Assistant Solicitor General of Various High Courts, Central Government Standing Counsel of Delhi High Court (CGSC) and Senior Central Government Standing Counsel (Sr. CGSC) of various Benches of CAT.	₹ 9,000/- per months.
2.	Suits, Writ Petitions and Appeals, including oral Applications for Leave to Appeal to Supreme Court in Writ Petitions.	₹ 9,000/- per case per day of effective hearing in case of non-effective hearing ₹ 1500/- per day subject to a maximum of 5 hearing.
3.	Application for Leave to Appeal to Supreme Court in Writ Petition.	₹ 3,000/- per case
4.	Settling Pleadings	₹ 3,000/- per case
5.	Miscellaneous Application	₹ 3,000/- per case
6.	Conference	₹ 900/- per conference subject to:- (i) for setting pleadings one conference (ii) In respect of hearing of Writ matters, Suits, appeals and Supreme Courts leave application etc. Three conference (Maximum)
7.	Miscellaneous and out of pocket expenses	As per actual to the satisfaction of the Administrative Ministry/ Department.

All other terms and condition applicable to Senior Panel Counsels in various High Courts/CAT Benches (excluding the High Courts of Bombay and Calcutta in to the Department's OM no. 24(2)/99-Judl., OM No. 26(1)/99-Judl., and Om no. 25(3)/99 Judl., and OM No. 26(2)/99-Judl., all dated 24.09.99 read with OM No. 26(1) /2005 –Judl. dated 31.01.2008 and OM No. 26(1)/2011-Judl., dated 01.10.2011, shall continue to remain applicable unless specifically revoked/ revised.

(C)

Revision of the fee structure applicable to the Panel Counsel of High Courts as well as of CAT Benches of Bombay and Kolkata:-

Sl. No.	Item of Work	Special Counsel	Senior Counsel Group-I	Senior Counsel Group-II	Jr. Counsel Advocate on record
1.	Suits, Appeals, Writ/ Revision Petitions including Special Civil Application in the High Court. Per conference/Consultation	₹ 9000 ₹ 900	₹ 6000 ₹ 750	₹ 3750 ₹ 600	₹ 1800 ₹ 450
2.	Application including interim Motions, Notices, Appeals, Leave Application, Arbitration, Company Matters, Criminal Revision and Other Land Acquisition Reference (per day per effective hearing) Per conference /Consultation	₹ 3000 ₹ 900	₹ 3000 ₹ 750	₹ 2250 ₹ 600	₹ 1350 ₹ 450
3.	Drafting Settling Pleadings, and Affidavits (Per Pleadings) Per conference /Consultation	₹ 3000 ₹ 900	₹ 1800 ₹ 750	₹ 1500 ₹ 600	₹ 1050 ₹ 450
4.	Appearance before Arbitration and Tribunals, etc. and Courts other than High Courts (Per day per effective hearing) Per conference /Consultation	₹ 7500 ₹ 900	₹ 6000 ₹ 750	₹ 3750 ₹ 600	₹ 2250 ₹ 450
5.	Chamber Application, Including Adjournment Application per day inclusive of consultation	NIL	₹ 1500	₹ 900	₹ 600
6.	Written opinions and written advice including advice on evidence (inclusive of consultation)	₹ 3750	₹ 2250	₹ 1350	₹ 1050

All other terms and conditions applicable to the Counsels of High Courts as well as of the CAT Benches of Bombay and Kolkata in the pre-revised OM No. 23(2) /2001-Judl. & OM no. 22(02)/ 2001 dated 14th July,

2001 read with 23(2)2011-Judl. dated 1st October, 2011 shall continue to remain applicable unless specifically revoked/revised:-

Note:- There will be no ceiling on the number of conference/ consultation in the case of Special Counsel, however in the case of other categories of Counsels, the number of conference per cases will be limited to four (relaxable to six at the discretion of the Incharge (Litigation) of Branch Secretariat, Mumbai/Kolkata.

(D)

The Fee structure applicable for Panel Counsel, Delhi High Court and Central Govt. Counsel/ Pleader of various High Courts (Including Panel Counsel of various CAT, Benches) excluding the High Courts of Bombay and Calcutta, as per the following rates:-

Sl. No.	Item of Work	Revised fee
1.	Civil or Criminal Writ petitions under Article 226 & 227 of the constitution, contempt Petition, Criminal/Civil Revision petitions, Reference to the High Court under Sales Tax Act and Banking Company Petitions.	₹ 2250/- per effective hearing ₹ 450/- per non-effective hearing (subject to Maximum of five hearing in a case)
2.	Original Suits, Civil Appeal form Decrees in Suits and proceeding including second appeal and land acquisition appeal except LPA from Petitions under Article 226 & 227 of the Constitution (including drafting fee)	Ad. Valoram /regulation fee (subject to maximum of ₹ 45,000/- in a case.)
3.	Company Petitions	To be regulated by the rule contained in Appendix (iii) of the Company (Court) Rules, 1959
4.	Drafting of pleadings counter affidavits/ returns/answer to Writ Petitions/Grounds of Appeal and application for leave to appeal to the Supreme court	₹ 1,350/- per pleading
5.	Drafting of Civil Misc. applications to petitions under the Indian Succession Act, Contempt of Court proceedings and other proceedings of an original nature	₹ 1,125/- per petition
6.	Civil Misc. petitions, forma paupers transfer petitions and other civil misc. petitions of routine nature.	₹ 450/- per petition
7.	Consultation/ Conference fee	₹ 450/- per conference (Subject to maximum of 4 conference in case)
8.	Appearance before the High Court in application under Section 34 & 37 of the Arbitration and Conciliation Act, 1996 Appearance before Arbitrator/Umpires etc.	₹ 2,250/- per effective hearing ₹ 450/- per non-effective hearing (Subject to a maximum of 5 hearing in a case). ₹ 450/- per non-effective hearing (Subject to a maximum of 5 hearing in a case).

All other terms and condition applicable to above mentioned Counsels in to this Department's in OM no. 24(2)/99-Judl., OM no. 26(1)/99-Judl., OM No. 25(3)/99-Judl. and OM no. 26(2)/99-Judl, all dated 24.09.99 read with OM no. 26(1)/2005-Judl. dated 31.01.2008 and shall continue to remain applicable unless specifically revoked/revised.

The Fee structure Standing Govt. Counsel and Additional Standing Govt. Counsel in the District and Subordinate Courts:-

Sl. No.	Item of work	Revised fee
1.	Retainer fee for standing Govt. Counsel	₹ 6000 per month
2.	Fee for effective hearing	₹ 1800 per day
3.	Fee for non-effective hearing	₹ 600 per day (not more than 5 such hearings in a case)
4.	Fee for drafting Written Statement, Grounds of Appeal etc.	₹ 1500 per pleading
5.	Fee for drafting other pleadings of misc. nature	₹ 600 per pleading
6.	Fee per Conference	₹ 900 (subject to maximum of 5 such conferences in a case / group of identical cases)
7.	Daily fee for out of Headquarters	₹ 2700 per day
8.	Conveyance charges for local journey outside Headquarters	₹ 900 (lump sum)
9.	Expenses for stay in hotels	₹ 1800 per day
10.	Clerkage	@10% of total fee excluding miscellaneous and out of pocket expenses (maximum ₹ 5250 in a case)
11.	Fee for identical Cases	Full fee in the 1 st case and ₹ 750 in per suit for connected cases (max. 3 cases)
12.	Miscellaneous and out of pocket expenses	As per actual to the satisfaction of the administrative Department.

All other terms and conditions applicable to above mentioned Counsels in to this Department's, OM No. 27(11)/1999-Judl dated 24.09.1999 read with OM No. 27 (25)/2011-Judl. Dated 01.09.2011. shall continue to remain applicable unless specifically revoked/revised.

(F)

The Fee structure applicable of Senior/Junior Arbitration Panel Counsel:-

Sl. No.	Details of work	Proposed Revised fee
1.	Fee for effective hearing Senior Counsel Junior Counsel	Rs. 2,250/- per appearance Rs. 1,500/- per appearance
2.	Fee for non-effective hearing Senior Counsel Junior Counsel	Rs.450/- per appearance Rs. 300/- per appearance (maximum four such hearings)
3.	For drafting pleadings Senior Counsel Junior Counsel	Rs. 1,500/- per pleading Rs. 750/- per pleading
4.	Conference fee Senior Counsel Junior Counsel	Rs. 450/- per conference Rs. 300/- per conference (maximum three such conferences in a case)
5.	Daily fee out of Headquarters Senior Counsel Junior Counsel	Rs. 3,000/- per day Rs. 2,250/- per day

All other terms and conditions applicable to OM no. 30(3)/99 Judl. dated 24.09.99 read with OM NO. 26(1)/2005/Judl. dated 31.01.2008, shall continue to remain applicable unless specifically revoked/revised.

Appendix-2**FORMAT OF BIO DATA FOR ADVOCATE**

1. Name of the Advocate
2. Date of Birth
(Age as on 01-12-2015)
3. Educational Qualifications
4. Date of Enrolment and name of the Bar Council
(Enclose copy of enrolment certificate)
5. Period of Practice
6. Details of Experience/Practice
7. Area of Practice
8. Specialization, if any
(Details of a few important cases the Advocate has dealt with /handled and reported judgment, if any)
9. Whether a Central Govt. Counsel/Pleader
(indicate period)
10. Brief list of clients, (for e.g., Govt./PSUs/ Commissions/ Autonomous Authorities)
11. Courts where the Advocate is regularly practicing
(Enclose Bar Association Membership Certificate)
12. Date of enrolment as an Advocate-on-record of the Supreme Court of India and Registration Number
13. PAN Number
14. Experience in matters pertaining to Labour laws/Finance /Commercial/Tender process/ Arbitration / Environmental/ Service matter / Competition Law (which may contain a brief note on suitability for empanelment)

**Declaration**

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 Authority.

Signature of Advocate

Name

Address (Office/Residence and Chamber)

Mobile No.

Fax No.

E-mail:

Appendix-3**FORMAT FOR LAW FIRM**

1. Name of the Law Firm
2. Date of registration of the Firm
3. Details of experience
4. Area of Practice
5. Specialization, if any
(Details of a few important cases the firm has dealt with/handled and reported Judgment, if any)
6. Brief list of clients, for e.g., Govt/ PSUs/ Commissions/Autonomous authorities
7. The Courts where the Advocates of the Firm are regularly practicing
8. Date of enrolment as Advocate(s) on-record of the Supreme Court and Registration No. (if having AOR in the Firm)
9. Name of the Advocate, period of practice, details of important cases handled and details of Aviation and other regulatory matters dealt with by Advocate(s)
10. PAN number
11. Details of fees for different professional services (fees may be quoted as per the terms and conditions stipulated in this notice)
12. Experience in matters pertaining to Labour laws/Finance /Commercial/Tender process/ Arbitration / Environmental/ Service matter matters (with a brief note on suitability for empanelment)

Yours faithfully

(Authorized Signatory)
Address (Office and Chamber)
Mobile No.
Fax No. E-mail

Appendix-4

To,

Mr./Ms.

Advocate

Subject: Empanelment as Authority's Advocate

Dear Sir/Madam,

This is with reference to your application dated-----wherein you have evinced interest for empanelment as an advocate with the Authority. 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. Your Firm will be empaneled on provisional basis for a period of one year.
2. You will abide by IWAI's terms and conditions and you will not claim any retainer fee or employment in IWAI's service.
3. You will not accept any case against the IWAI.
4. You will take necessary steps to protect the interest of the IWAI 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 IWAI'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. The Company may at any time, at its discretion, withdraw from you any proceedings/ matter/ brief and may discontinue you as Company's advocate without assigning any reason thereof and without paying any further fees.
8. You will keep IWAI informed about the developments in the matters entrusted to you on regular basis using all digital modes of communication and shall intimate through call if the situation so demands.
9. Unless a case is specially assigned to you by the IWAI, you will not on your own

receive Summons / Notices of the IWAI'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 the IWAI in this regard.

10. You shall not use IWAI's name or logo in your letter heads, sign boards name plates etc.
11. In case of any conduct not befitting an empaneled Advocate/ Law Firm, the IWAI will take appropriate action against you which may include but is not limited to filing complaint with Bar Council and recovery of financial loss caused to the IWAI due to your conduct.
12. In case of initiation of any administrative action by Bar Council or criminal proceedings against you, the IWAI 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 found up to the mark. IWAI 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 the IWAI 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 IWAI.
15. You will be paid the legal fees for rendering your legal service to IWAI, as per scheduled of Fees/Charges approved by IWAI(Copy is enclosed)

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

Yours faithfully

(Authorized Signatory)