

NOTICE FOR EMPANELMENT OF LEGAL FIRM

Sub: Empanelment of Legal Firm for IDPL, its Subsidiaries and Joint Venture Company

Indian Drugs & Pharmaceuticals Limited (IDPL) is the largest Central Pharma Public Sector Undertaking in India with its plants at Rishikesh, Gurgaon & Hyderabad, two Subsidiary Companies at Chennai (Tamil Nadu) and Muzaffarpur(Bihar) and one Joint Venture in Bhubaneshwar(Odisha). IDPL was incorporated in April, 1961 (Company Registration No. 3418 of 1961-1962 with Registrar of Companies, Delhi and having its Registered and Corporate Office at Gurgaon) with main objectives of creating self-sufficiency in respect of essential life saving medicines, to free the country from dependence on imports and to provide medicines to the millions at affordable prices and not to make millions from the medicines. IDPL was basically conceived and established as a part of Healthcare Infrastructure and has played a pioneering infra-structural role in the growth of Indian Drug Industry base. At present IDPL is in the process of closure as directed by decision of the Union Cabinet on 28 Dec 2016 and conveyed by Dept. of Pharmaceuticals, Ministry of Chemicals & Fertilizers on 09 Jan 2017. All production activities have ceased. All regular employees have been retired after giving them VRS and currently a few number of contractual employees remain in IDPL HO and plants and subsidiary plants to carry out the winding up process and maintain essential services. Few services and security are maintained by outsourced manpower.

Indian Drugs & Pharmaceuticals Limited

IDPL invites applications for empanelment of Law Firms to represent IDPL, its Subsidiary & JV Companies viz. IDPL(TN), Chennai, BDOCL, Muzaffarpur(Bihar) and ODCI, Bhubaneshwar(Odisha) in all legal matters filed/pending at various Courts/other forums i.e. Lower Courts, Civil/Criminal, Consumer Forums, various Statutory Authorities, Labour Courts, High Court, Arbitral Tribunals, NCLT/NCLAT, Supreme Court of India, etc. The law firm will also provide legal advice/ provide consultation on other legal matters and consultation with regard to valuation and disposal, sale or transfer of all movable and immovable assets of the Company and liquidation of outstanding dues to any Vendor/ Central Government or State Government department or entity by the Company.

The Law Firms whose Advocates are registered with Bar Council of India /State Bar Council are eligible for empanelment. Eligibility criteria including Qualification, Experience, Fee Schedule, Other Terms and Conditions and the application format in which the application is to be made, are prescribed and given as below.

Eligible Law Firms may submit their **Sealed applications** in the format prescribed in *Annexure "A"* enclosed herewith along with all supporting documents to the following address:

Personnel Manager
IDPL Corporate Office
Old-Delhi Gurugram Road,
Gurugram – 122016,
Haryana

Last date for submission of Application shall be 21 days from the date of publication.

Note: - The Company reserve the right to withdraw the tender published at any time, if the proposal is not found suitable/in the interest of the Company.

GUIDELINES FOR EMPANELMENT OF LAW FIRMS /ADVOCATES

Following guidelines are issued to enable the applicant Law Firms / Advocates to understand the procedure of empanelment and fee schedule.

DEFINITIONS

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

- i. 'Advocate' means an Advocate registered as an advocate under the provisions of The Advocates Act, 1961.(The Act)
- ii. "Law firm" is an entity/firm comprising of one or more Advocates, engaged in the practice of law.
- iii. 'Court' shall mean all courts of law including District Courts Civil/Criminal, High Courts, Supreme Court, Tribunals, Judicial and Quasi-Judicial Forums and Arbitrators, Consumer Forums or any other Dispute Redressal Forums etc.
- iv. "Effective Hearing" shall mean a hearing in which either one or both parties involved in a case are heard by the Courts or Arguments advanced by the Counsel of any of the parties, Examination-in-chief, Cross examination is conducted, Issues/Charges are framed and statement recorded, Miscellaneous proceedings incidental thereto.
- v. 'Non-effective Hearing' shall mean all hearings which are not covered in the above definition of effective hearing and will also include pass over and adjournments by the Law Firms / Advocates without any appropriate reason.
- vi. 'Uncontested Cases' All suits and appeals are deemed to be 'uncontested' if these are withdrawn by the plaintiff/appellant or are dismissed in limine or are otherwise decided by the Court ex-parte before the final hearing.
- vii. 'Similar Cases' shall mean two or more cases in which identical or substantially similar questions of law or facts are involved.
- viii. "Company" means IDPL and its Subsidiaries viz. IDPL(TN) and BDOCL and JV ODCL.

ELIGIBILITY FOR EMPANELMENT

- (i) The Law Firms / Advocates should be holding valid certificate for practice and duly registered with Bar Council of India and with their respective State Bar Council.
- (ii) The Law Firms / Advocates should have at least Five (5) years experience for the Tribunals/ District Courts Civil and Criminal/Forums/ Statutory bodies, High Courts / Supreme Courts.
- (iii) The Law Firms/Advocates should have expertise in representing Companies/Undertakings before Supreme Court/High Court/Arbitration Forum/Winding up Court/NCLT/NCLAT/equivalent Judicial/Semi/Quasi Judicial forum/Statutory Body in the related Litigations/Legal Proceedings/Appearance & hearings.
- (iv) Experience in handling matters of CPSU's/Government Institutions is desirable and will be preferred.
- (v) The Law Firms / Advocates should have setup/infrastructure to deal with the matters and should be currently practicing in any one or more of the relevant fields as below:
 1. Recovery Matters*
 2. Taxation Matters
 3. Statutory Matters – PF, EXCISE,VAT, GST, IT,GRATUITY etc
 4. Civil Matters – Property matters in relation of valuation/ disposal and assistance in seamless return of immovable assets to Lessor or transfer against sale to Central/State Government or its entity or transfer against sale/ through auction to Third Party
 5. Service Matters
 6. Labour Law / Contract Law.
 7. Criminal Matters
 8. Company Law
 9. Trade Marks /IP
 10. Tribunals/NCLT/NCLAT

11. Consumer Forum
12. CIC Cases/RTI matters
13. Other legal consultation on official matters

* Including Arbitration Awards / Executions of Awards

- (vi) The Law Firms / Advocates shall not appear/be appearing against IDPL, its Subsidiary or JV Company in any matter before any forum/court etc, during empanelment period.

Provided that Company may relax the above conditions at its discretion, if otherwise found eligible in certain cases.

TENURE OF EMPANELMENT

1. The initial empanelment will be for a period of one year.
2. The performance of empanelled Law Firms / Advocates shall be subject to review on yearly basis and if the performance of any Advocate/Law firm is found unsatisfactory, the Advocate/Law Firm may be recommended for deletion from the panel. However, on completion of the term and satisfactory performance of the Law firm, the empanelment may be renewed further for a specified period.
3. The Company reserves the right to terminate the empanelment of the Law firm or any advocate at any time without assigning any reason thereof by settling the fees in line with the agreement. The decision of the Company in this matter shall be final and binding.

GENERAL TERMS AND CONDITIONS

- 1) In general, the Company is interested in empanelling advocates who are experienced in the following fields:
 - a) Recovery Matters
 - b) Taxation Matters
 - c) Statutory Matters – PF, EXCISE, VAT, GST, IT, GRATUITY, CIC etc.
 - d) Civil Matters – Property related
 - e) Service Matters
 - f) Company Law - Trade Marks /IP
 - g) Labour Law / Contract Law.
 - h) Criminal Matters
 - i) Tribunals/NCLT/NCLAT
 - j) Consumer Forum Cases
- 2) The Law Firms / Advocates shall not necessarily be empanelled for any specific court and shall accept the work assigned to them for the courts for which they are basically designated on the basis of minimum eligibility conditions for such referrals and shall not refuse to accept any work without any reasonable cause.
- 3) The Law Firms / Advocates will be engaged only in cases where the Company is a necessary party and only if deemed necessary by the competent authority.
- 4) The refusal by Law Firms / Advocates to accept any work without any reasonable cause (e.g. on grounds of conflict of interest) may entail removal of such Advocate/Law firms from the panel.
- 5) The Law Firms / Advocates will not delegate cases and would themselves deal with the same. They may have to coordinate and work with designated Senior Advocates, if any, engaged in the case as well as with the Officers of the Company.
- 6) The Law Firms / Advocates shall maintain absolute secrecy and confidentiality about the cases of the Company as required under the Act and rules/regulations framed therein.
- 7) The Advocates/ Law firms shall accept the terms and conditions of the empanelment as determined by the Company from time to time.
- 8) 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 Company, keeping in view the urgency and importance of a particular matter. The empanelled Advocates are required

to co-ordinate with and support such designated Senior Advocates on case to case basis.

- 9) The Advocates/ Law firms empanelled under these guidelines shall not be employees of IDPL, its Subsidiaries or JV and therefore, shall not be eligible for any benefits/ grants/ entitlements available to its employees.
- 10) Where the Advocates/ Law firm consist of Advocates from diversified fields viz. Constitutional law, Civil law, Commercial law, Property law, Contract Law, Taxation law, Corporate law, Contract Labour Act etc., the Cases will be assigned to the empanelled Advocates / Law firms based on their expertise, experience and performance.
- 11) Appeals, revision or petitions arising from one common judgment or order will be together considered as one case, if they are heard together.
- 12) No fee will be payable to the Law Firms / Advocates if an advance notice about the adjournment has been issued or the adjournment of the case has been made at his request due to reasons personal to him.

PAYMENT OF FEE AND OTHER CONDITIONS

1. Only lumpsum monthly fee will be payable and no separate retainer fee will be paid to any panel Law Firm / Advocates.
2. Payment of monthly lumpsum fee shall be processed on receipt of claim from Advocates/Law Firms on the presentation of proper bill annexed with effective dates of hearing and copy of Vakalatnama for each particular case. In case where copy of vakalatnama is not available, document which reflects the name of advocate for the particular case must be presented for disposal of bills.
3. The Law Firms / Advocates will be paid the lumpsum fees on presentation of a stamped receipt and an undertaking in this regard be submitted by the Applicant Advocate/Law Firms. The bills shall be submitted within three months from the date on which the fee has accrued.
4. The Company reserves the right to fix additional Fee for any eventuality which has not been mentioned in the scope of work by mutual consultation.

PROCEDURE FOR EMPANELMENT

The Company will consider the applications for empanelment in terms of these guidelines only on merits. Due notice in this regard shall be published on the website of IDPL as well as in newspaper. The evaluation will be done based on the following attributes:

- a. Proper and adequate infrastructure such as office premises, number of junior advocates, assistants, clerks.
- b. Experience in respective field and specialization.
- c. Track record and integrity
- d. Preference will be given to Law Firms / Advocates who are already empanelled or having experience with Government Departments/ PSU's/ Statutory and Autonomous Bodies etc.
- e. Number of Cases in which the Law firms/Advocates were able to get favourable outcome or decisions.
- f. Number of cases which are referred in reputed legal journals etc.

DOCUMENTS REQUIRED TO BE SUBMITTED

The Law Firms / Advocates will be required to submit their Applications in the prescribed format as given in **Annexure-A**. One set of attested copies of the following documents are required to be submitted with application:

- (i) Certificates in support of educational qualifications. In case of law firms Certificates of all the members/partners may be submitted.
- (ii) Certificate of Registration/Enrollment Certificate with respective State Bar Council.
- (iii) Copy of Identity card issued by the respective State Bar Association / State Bar Council.
- (iv) Certificate of Practice given by Bar Council of India after AIBE Exam for Advocates who passed out LLB after 2010.

- (v) Proof of empanelment with other Government Organizations, if any.
- (vi) Copy of PAN/GST

PRIVATE PRACTICE AND RESTRICTIONS

- i. The Advocate /Law Firms shall have the right for 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 Company.
- ii. The Law Firms / Advocates shall not advise any party or accept any case against the Company in which he has appeared or is likely to be called upon to appear for or advise or which is likely to affect or lead to litigation against the Company.

DISABLEMENTS

Disablement on the part of the Law Firms / Advocates shall mean and include any of the following:

1. Giving false information in the application for empanelment.
2. Handing over the brief or matter to another Advocate without prior written permission of the Company;
3. Failing to attend the hearing of the case without any sufficient reason and/or prior information;
4. Not acting as per the instructions of the Company or going against specific instructions;
5. Not returning the brief when demanded or not allowing or evading to allow its inspection on demand;
6. Misappropriation of the funds of the Company or earmarking, using the same towards fee without permission;
7. Threatening, intimidating or abusing any of the employees, officers, or representatives of the Company and making adverse remarks against the Company;
8. Making any of Associates or Juniors to appear on behalf of any of the opposite parties in cases/appeal related to the Company;
9. Committing an act that is tantamount to contempt of court or professional misconduct;
10. Conviction of the Law Firms / Advocates in any offence resulting into arrest or detention or disbarment by the Bar Council;
11. Passing on information relating to the case of the Company on to the opposite parties or their advocates or any third party which is likely to cause any damage to the interests of the Company;
12. Giving false or misleading information to the Company relating to the proceedings of the case;
13. Seeking frequent adjournments or not objecting the adjournment moved by other party without sufficient reason.
14. Empanelment shall be liable to be cancelled due to occurring of any of the above disablements on the part of the Law Firms / Advocates.

**Scope of Legal Work, Cases & Consultation/opinion
Quotation**

In the Hon'ble Supreme Court (by Law firm advocate or their Associate) :-

SI. No.	Description of work
1	All Regular Appeals and defended Writ Petitions (for final hearing)
2	All defended Admission matters (SLP/TP and writ petitions & other misc. matters for admission)
3	Settling of pleadings
4	Appearance in Miscellaneous Applications
5	All Conference/ consultations
6	Out of Head quarter travel/lodging & boarding
7	Drafting SLP/Counter Affidavit/Rejoinder etc.
8	Drawing Written Submission
9	Drafting or Appearance in Miscellaneous Applications (including mentioning of the case/Caveat/Clearance/Obtaining the number and taking date for hearing)
10	Clerkage/ Miscellaneous and out of pocket expenses
11	Any other consultation/legal opinion sought in respect of IDPL or its Subsidiary Units in discharge of its functioning or related to their closure ie. Transfer/Sale/Valuation, Auction & Disposal

(B)

In the Hon'ble High Courts in India as well as of CAT Benches of Bombay and Kolkata & Central or State Statutory body (by Law firm advocate or their local Associate)

SI. No.	Description of work
1	Suits, Appeals, Writ/Revision Petitions including Special Civil Application in the High Court. All Conference/Consultations
2	Application including Interim Motions, Notices, Appeals, Leave Application, Arbitration, Company Matters, Criminal Revision and other Land Acquisition References (Effective /non-effective hearing) All Conference/Consultations
3	Drafting or Setting Pleadings and Affidavits Conference/Consultations
4	Appearance before Arbitration and Tribunals, etc and Courts other than High Courts (Effective or Non-effective hearing) All Conference/Consultations
5	Chamber Application including Adjournment Application inclusive of consultation
6	All Written opinions and written advice including advice on evidence (inclusive of consultations)

S. No.	Description of work
7	Civil or Criminal Writ Petitions under Article 226 & 227 of the Constitution, Contempt Petitions, Criminal/Civil Revision Petitions. Reference to the High Court under Sales Tax Act and Banking Company Petitions.
8	Original Suits, Civil Appeal from Decrees in Suits and proceedings including second appeal and land acquisition appeal except LPA from Petitions under Article 226 & 227 of the Constitution (including drafting fee)
9	Company Petitions
10	Drafting of pleadings counter affidavits/returns/answer to Writ Petitions/Grounds of Appeal and application for leave to appeal to the Supreme Court
11	Drafting of Civil Misc. applications to petitions under the Indian Succession Act, Contempt of

	Court proceedings and other proceedings of an original nature
12	Civil Misc. petitions forma paupers, transfer petitions and other civil misc. petitions of routine nature
13	Consultation/conference fee
14	Appearance before the High Court in application under Section 34 & 37 of the Arbitration and Conciliation Act, 1996 Appearance before Arbitrator/Umpires etc.
15	Clerkage/ Miscellaneous and out of pocket expenses
16	Any other consultation/legal opinion sought in respect of IDPL or its Subsidiary Units in discharge of its functioning or related to their closure ie. Transfer/Sale/Valuation, Auction & Disposal

(C)

In the District, Subordinate Courts, Central or State Statutory body (by Law firm advocate or their local Associate):-

S.No.	Description of work
1	All effective/non-effective hearings
2	Drafting Written Statement, Grounds of Appeal etc.
3	Drafting other pleadings of misc. nature
4	All Conference /consultations
5	Out of Headquarters travel/boarding/lodging charges
6	Clerkage/ Miscellaneous and out of pocket expenses
7	Any other consultation/legal opinion sought in respect of IDPL or its Subsidiary Units in discharge of its functioning or related to their closure ie. Transfer/Sale/Valuation, Auction & Disposal

Quote Lump-sum Monthly fee covering entire scope of legal work, handling cases(all India Courts), opinion/ consultancy mentioned above and inclusive of charges for travel by all modes within NCR and pan India if required and boarding/ lodging pan India, clerkage, stationery/out of pocket expenses.

Rs. _____ per Month plus GST

ANNEXURE 'A'
FORMAT OF APPLICATION FOR LAW FIRMS

SL No	Description	Remarks
01	Name of the Advocate	
02	Name of the Firm & Address	
03	Mobile No	
04	E-Mail ID	
05	Date of birth/ Incorporation	
06	PAN Number/ GST Number	
07	Educational Qualifications	
08	Name of Bar Council	
09	Enrollment No/Date	
10	Total Period of practice in Years/months	
11	Number of cases with favorable outcome	
12	If empanelled with any Government Dept, indicate Dept Name/period	
13	Court of Practice of Advocate:	
14	Details of Infrastructure available	
15	Area of Specialization (Please tick below and fill up the sheet as per enclosure - one sheet for each field area of specialization)	
	Recovery Matters <input type="checkbox"/>	Taxation Matters <input type="checkbox"/> Statutory Matters <input type="checkbox"/>
	Civil Matters <input type="checkbox"/>	Service Matters <input type="checkbox"/> Company Law <input type="checkbox"/>
	Labour /Contract Laws <input type="checkbox"/>	Criminal Laws <input type="checkbox"/> Tribunals/NCLT/NCLAT <input type="checkbox"/>
	Consumer Forums <input type="checkbox"/>	Others (Specify) _____

DECLARATION:

- (i) We/I declare that We/I have never been penalized by any Bar Council in any Disciplinary Proceedings.
- (ii) We/I also undertake to maintain absolute secrecy about the cases of the HMT Limited as required under the Act, Rules and Regulations there under.

Signature of Advocate
Address (Office & Residence/Chamber)

*In case of Firms applying for empanelment, where more than one Advocate represent the firm, details of all the advocates may be provided in the above format appropriately.

Enclosure to ANNEXURE 'A'

Details of Specialization

(Note: Attach extra sheet for amplifying area(s) of Specialization)

Field(s) of Specialization: _____

(Indicative list for field of Specialization: Recovery Matters, Taxation Matters, Statutory Matters – PF, EXCISE,VAT, GST, IT,GRATUITY etc, Civil Matters – Property related, Service Matters, Company law Trade Marks /IP, Labour Law / Contract Law, Criminal Matters, Tribunals/NCLT/NCLAT, consumer forum matters/ CIC matters etc.)

Sl. No	Description	
1	Period of practice in this field (in Years/months)	
2	Court of Practice of Advocate	
3	Number of cases with favorable outcome/decisions	
4	Number of Cases which are reported/referred in reputed legal journals	
5	Experience appearing for Govt. Organizations in this field: (Name of Organization/No of Case)	
6	If empanelled with Government Dept in this field, Name of Dept and Period	

7. Details of Experience / Practice in this field:

ENCLOSURES CHECKLIST: Please tick (√) against appropriate box marked as 'Yes' or 'No'.

* Note: Only self attested Photo Copies are to be attached.

Sl. No	Documents Enclosed	Yes	No
1.	Educational Qualifications		
2.	Bar Council Enrolment Certificate / Certificate of Practice		
3.	Bar Association Membership Certificate		
4.	Government Organization Experience Certificate		
5.	Government Organization Empanelment Certificate		
6.	PAN Card/ GST		