

Technology Information, Forecasting and Assessment Council

NOTICE INVITING APPLICATIONS FOR EMPANELMENT OF ADVOCATES

Technology Information, Forecasting and Assessment Council (TIFAC), an autonomous body under the Department of Science and Technology, Government of India, invites applications for empanelment of Advocates / Panel Counsels to represent TIFAC before High Court, District Courts, Arbitrators and Other Tribunals and Forums at Delhi.

Persons enrolled with the Bar Council of Delhi and having a certificate of Practice from Bar Council of India and primarily practising in Delhi Courts 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.

Eligible practicing advocates, who satisfy the eligibility criteria and accept the terms and conditions as provided in ANNEXURE —‘A’, should download application (ANNEXURE —‘B’) in the format prescribed on our website www.tifac.org.in.

Duly filled application, along with all supporting documents as prescribed should reach the office of In-charge (Finance & Administration), TIFAC, A- Wing, Vishwakarma Bhawan, Shaheed Jeet Singh Marg, New Delhi 110016 by 05:30 PM on or before 31st August 2021 .

INCHARGE (FIN. & ADMN.), TIFAC

TERMS AND CONDITIONS FOR EMPANELMENT OF ADVOCATES / PANEL COUNSELS WITH TIFAC

1. Term (Duration) of Empanelment

- i. The Counsels will be empaneled for filing and conducting the cases of TIFAC in various Courts and Tribunals. The cases will be allocated to the Counsels on a case-to-case basis or as decided by Executive Director, TIFAC or by any other officer authorized to do so and the Counsel would be required to conduct the cases till its finality.
- ii. The Counsels would be on the TIFAC panel ordinarily for a period of three years. Their term may be reviewed for extension beyond three years by TIFAC.
- iii. The services of any counsel on TIFAC's Panel may be discontinued by TIFAC earlier than three years, on the basis of non-satisfactory performance, after giving him / her an opportunity to explain as to why his empanelment may not be discontinued. TIFAC's decision in this regard shall be final.
- iv. The panel counsel will continue with the cases allotted to them till the finality of the cases even beyond three years unless TIFAC decides otherwise.

2. Duties of the Panel Counsels

- i. The Panel Counsel will file new cases and draft all pleadings including Civil and Criminal Cases, Petitions, Written Statements, Appeals, Affidavits, Counter Affidavits, Applications, Replies, Rejoinders, etc. for all the cases (new or old) filed by TIFAC or against TIFAC before the High Court, District and Subordinate Courts, Arbitrators and other Tribunals and forums.
- ii. The Panel Counsel will appear and contest cases filed before the High Court, District and Subordinate Courts, Arbitrators and Other Tribunals and forums.
- iii. The Panel Counsel will advise TIFAC on matters incidental to such litigation at all stages.
- iv. The Panel Counsel will render all legal assistance to TIFAC, if required to do so.
- v. The Panel Counsel will undertake all the actions required for conducting the cases in best interest of TIFAC well in time and keep TIFAC informed about the same. Wherever, TIFAC's approval / signatures are needed, she / he will provide sufficient time for processing of approvals as per norms.
- vi. The Panel Counsel will keep TIFAC informed about the developments of the case(s) from time to time, particularly with regard to drafting, filing of papers, date of hearing of the cases, stage of case and will also supply copy of orders/judgments etc.
- vii. The Panel Counsel will submit the status and progress report with suggestions to expedite the case, every six months and as and when required by TIFAC.
- viii. The Panel Counsel will perform such other duties of legal nature, which may be assigned to him by this office from time to time.

3. Right to private Practice and Restrictions

- i. A Counsel empanelled with TIFAC will have the right to private practice which should not, however, interfere with the efficient discharge of his duties as a Counsel for TIFAC.

- ii. A Counsel will not advise any party or accept any case or brief against TIFAC in which he has appeared/or likely to appear which is likely to affect or lead to litigation against TIFAC.
- iii. If the counsel happens to be Partner of a Law firm, it will be incumbent on the Law firm, its partners, associates, juniors, interns, etc, to not to take up any case against TIFAC in any court of law.

4. Eligibility Criteria for Panel Counsel

- i. The applicant must have completed her / his LL.B. Degree from a University or Law college duly recognized by Bar Council of India.
- ii. The applicant must be enrolled with the Bar council of Delhi and having a certificate of Practice from Bar Council of India and primarily practising in Delhi Courts
- iii. The applicant must have minimum of 5 years regular practice and standing at Bar.
- iv. The applicant must be over 30 years of age and must have not attained 65 years of age as on date of advertisement.

5. Procedure for Empanelment

- i. The applicant must apply in the format prescribed by TIFAC as per Annexure-B. No other format will be accepted.
- ii. Any application received after the last date prescribed in the advertisement will not be entertained.
- iii. Depending upon the requirement and number of applications received, TIFAC reserves the right to shortlist the candidates to be called for Interview/Interaction for selection/empanelment.
- iv. Merely fulfilling the eligibility criteria will not confer any right on an applicant to be called for Interview/Interaction and to be selected.
- v. The decision of TIFAC regarding scrutiny and selection of the candidates will be final.
- vi. TIFAC reserves the right of rejecting any or all the applications without assigning any reasons at any stage.
- vii. Shortlisted applicant will be informed about the date, time and venue of interview.
- viii. The applicant will have to bring original documents at the time of Interview.
- ix. Letter to selected applicant(s) confirming their empanelment will be issued by TIFAC separately.

6. General Conditions

- i. The panel Counsel will not absent himself without prior approval of Competent Authority from appearance in court for any reason whatsoever. If Panel Counsel absents himself from appearing in court on behalf of TIFAC without assigning a valid reason, consecutively for 3 hearings, his engagement as an Advocate in the case and/ or empanelment may be terminated.
- ii. Cases similar in nature will be treated as batch matter and will be considered as one case if heard together by the same court.
- iii. Appeals, Revision or Petition arising from one common judgment or order will be together considered as one case if they are heard together by the same court.
- iv. The Panel Counsel will be entitled to claim TA/DA as per admissible rate when the assigned case(s) involves journey outside Delhi, only if prior written approval is

taken from TIFAC. Such TA/DA will be equivalent to that applicable for Pay Level 13 as per 7th CPC in Govt. of India.

- v. Panel Counsel entrusted with the cases should ensure that all necessary actions are being taken in case as ordered by Court or as per law in the best interest of TIFAC.
- vi. Panel Counsel have to adhere to the instructions/guidelines issued by TIFAC from time to time.
- vii. Engagement of an Advocate on TIFAC panel does not confer any right to be an employee of TIFAC.
- viii. In special circumstances, TIFAC may engage any other counsel, not on TIFAC's panel, to handle a case filed by or against TIFAC.
- ix. The advocates will accept the terms and conditions of the empanelment as given in this document as well as determined by TIFAC from time to time.
- xi. Necessary Documents to be submitted by an Advocate for empanelment includes self-Certified copies of:
 - a) Certificate of Enrolment issued by Bar Council of Delhi,
 - b) Certificate of Practice issued by Bar Council of India,
 - c) Degree of Law from an institute/University recognized by Bar Council of India,
 - d) Final Year Marksheet of LL.B.
 - e) Birth Certificate/Marksheet of 10th,
 - f) Experience Certificate as an Advocate,
 - g) Identity Proof which may include Voter ID, Aadhaar Card, Driving License, Card issued by Bar Council of State, any other photo ID card issued by Govt. of India/ State Govt. of India
 - h) Five orders of Court or Vakalatnama filed in cases where Applicant has appeared as an Advocate

7. Fee Structure is as under:

SCHEDULE OF FEE PAYABLE TO ADVOCATES IN TIFAC		
Sl. No.	PARTICULARS	Fees
1.	Written Legal Opinion (Written Opinion must be explained with detailed observations, proper reasoning and justification. Case law may also be cited, if applicable.)	Rs. 5,000/-
2.	Drafting and Filing of FIR	Rs. 3,000/-
3.	Drafting and Issuing Legal Notice	Rs. 3,000/-
4.	Drafting and Filing Caveat	Rs. 2,500/-

5.	<p>Case in High Court</p> <p>a) Lump Sum charges for drafting, preparing, filing and defending petitions/appeal/cases along with initial drafting of suit/ petition/ reply/ counter affidavit/ counter claim/ Written Statement/ first rejoinder, etc, including charges for appearance in the court and charges for clerkage, if any.</p> <p>b) Drafting and filing of any additional Misc. application/reply/rejoinder/sur-joinder/evidence affidavits /written arguments/written synopsis, etc.</p> <p>c) Misc. Expenses</p>	<p>Rs. 1,00,000/- plus Clerkage @ 10%</p> <p>Rs. 5,000/- per drafting plus Clerkage @ 10%</p> <p>As per actual, subject to justification provided to the satisfaction of TIFAC</p>
6.	<p>District Courts and Other Tribunals and Forums</p> <p>a) Lump Sum charges for drafting, preparing, filing and defending petitions/appeal/cases along with initial drafting of petition/reply/counter affidavit/ counter claim/ Written Statement / rejoinder, etc, including charges for appearance in the court and charges for clerkage, if any.</p> <p>b) Drafting and filing of any additional Misc. application/reply/rejoinder/sur-joinder/affidavits /written arguments/written synopsis, etc.</p> <p>c) Misc. Expenses</p>	<p>Rs. 50,000/- plus Clerkage @ 10%</p> <p>Rs. 2,000/- per drafting plus Clerkage @ 10%</p> <p>As per actual, subject to justification provided to the satisfaction of TIFAC</p>

7.	<p>Arbitration cases</p> <p>a) (i) Appearance before Sole Arbitrator / Arbitral Tribunal</p> <p>(ii) Appearance before Arbitrator(s) for conducting, cross examination and final arguments</p> <p>b) Lumpsum charges for drafting of Statement of Claim/Reply/Counter Affidavit/Counter claim/ first Rejoinder, Sur-joinder, etc.</p> <p>c) Charges for any additional drafting of Misc. App./Reply/Rejoinder/ Written Arguments/ Written synopsis etc.</p> <p>d) Conference charges</p> <p>e) Misc. Expenses</p>	<p>Rs. 5,500/- per hearing</p> <p>Rs. 8,000/- per hearing</p> <p>Rs. 15,000/- plus clerkage @ 10%</p> <p>Rs. 2,000/- per drafting plus clerkage @ 10%</p> <p>Rs. 2000/- per conference, subject to maximum 4 conferences in a case.</p> <p>As per actual, subject to justification provided to the satisfaction of TIFAC</p>
8.	For conducting pending/ ongoing cases.	As per terms and conditions No. 2 below.

Aforesaid fees is subject to following terms and conditions:

- 1) Aforesaid lumpsum amount in cases before Delhi High Court and District Courts will be paid in three installments in following manner:
 - A. for Civil suits, Criminal cases and Cases filed under section 138 NI Act.
 - (i) first installment being 30% of total amount payable will be paid after filing of initial pleadings and after first hearing of a case;
 - (ii) second instalment being 30% of total amount payable will be paid after filing and completion of evidence in a case.
 - (iii) third and last instalment being 40% of total amount payable will be paid after finalization of case;
 - B. for appeals or any other petition:

- (i) first installment being 30% of total amount payable will be paid after filing and admission of a case;
- (ii) second instalment being 30% of total amount payable will be paid after completion of pleadings;
- (iii) third and last instalment being 40% of total amount payable will be paid after finalization of a case;

Explanation: Finalization of Case means and includes submitting Certified copy of Judgment to TIFAC and in case of adverse judgment, either in full or in part, along with written Legal opinion clearly advising further course of action with reasons (such Legal opinion will be provided at the earliest, keeping in view the limitation period, without any additional charges).

2) For conducting ongoing cases, advocates will be paid fees depending upon the stage of a case and the payment already released. The fees will be payable in the following manner:

A. For cases held by the same advocate since beginning:

- (a) First installment (50%), if not paid already, to be paid as per old rates.
- (b) Remaining 50% will be paid as per revised rates (i.e. New Fee Schedule provided above) in two installments:

- i. Second installment (25% of total amount payable) will be paid after filing and completion of evidence or after completion of pleadings, as the case may be.

Explanation - Second instalment for the cases where evidence / pleadings have already been completed before the applicability of new fee schedule, means 25% of total amount payable as per old rates.

- ii. Final instalment being the balance 25% of total amount payable will be paid after finalization of case.

Note- If evidence / pleadings have already been completed before the applicability of New Fee Schedule, Second instalment will be 25% of the total amount payable as per old rates.

B. If a new advocate is engaged in an ongoing case (where the case has already been filed and at least one hearing has been done), maximum fees amounting to 70% will be paid, as per new rates, from the stage, the advocate has taken up the case in following manner:

- (a) First instalment being 30% of total amount payable will be paid only in the cases where evidence / pleadings have not been completed.
- (b) Final instalment being the balance 40% of total amount payable will be paid after finalization of case.

3) If a case filed on behalf of TIFAC is dismissed at a preliminary hearing/ Admission Stage, only 30% of total lumpsum amount of Fees will be paid.

4) If a case filed against TIFAC is dismissed at a preliminary hearing/ Admission Stage, only 30% of total lumpsum amount of Fees will be paid.

- 5) Charges for the cases withdrawn by TIFAC from a Panel Counsel or left by the Panel Counsel before finalization of the case will be paid as deemed appropriate by TIFAC.
- 6) Fees will be paid to an advocate after submission of duly signed bills along with supporting Orders of a relevant case, at the earliest keeping in view of limitation period, in case of any adverse order or Judgment.
- 7) Miscellaneous Expenditure including Court Fees will be paid as per actual basis on the submission of bills duly certified by the advocate, subject to justifications provided to the satisfaction of TIFAC.
- 8) As a token of incentive, an additional amount equal to 10% of total lumpsum fee applicable in a case may also be provided to an advocate if the case is finalized within a period of 3 years. This is applicable for High Court and District Court cases only.

ANNEXURE- 'B'

**APPLICATION FORM FOR EMPANELMENT OF ADVOCATES FOR TIFAC
(TO BE FILLED IN BY APPLICANT ADVOCATES)**

To,
Incharge (Fin & Admn.),
Technology Information, Forecasting and Assessment Council (TIFAC)
A- Wing, Vishwakarma Bhavan,
Shaheed Jeet Singh Marg,
New Delhi-110016

Photo

Court for which applied (Specify Court wise) <ul style="list-style-type: none">• High Court• District Court• Arbitration		
1.	Name in Full	
2.	Father's Name	
3.	Date of Birth	
4.	Nationality	
5.	Address for correspondence with PIN and Phone No	
6.	Permanent Address with PIN and Phone No.	
7.	Address of office/chamber, if any, with Phone No.	
8.	Mobile Number(s)	
9.	Email ID	
10.	Expertise in type of cases (Sec. 138 NI Act cases/ other criminal cases/ Service matter/ Arbitration/ Writs/ Civil suit, etc.	

11. Details of Educational qualifications (Commencing with the Graduation or equivalent examination)

Examinations Passed	Name of the Board/University	Class or division	% of Marks	Subjects	Year of Passing
Graduation					
Post Graduation					
LLB/Law Graduate					
Other Professional Qualifications					

12. Whether any proceeding has ever been commenced against the applicant advocate or is continuing before the disciplinary Committee of the Bar Council of any alleged professional misconduct:

Sl. No.	Details of allegations and proceedings	Finding made by the disciplinary Committee

13. Whether any criminal complaint has ever been filed or FIR registered or any criminal proceeding has ever commenced against the applicant advocate:

S. No.	Details of allegations and proceedings	Finding made by the Court

14. Copy of at least 5 Orders/ Vakalatnama, where applicant has appeared as an Advocate in different Courts of Delhi including Supreme Court of India, High Court of Delhi, Tribunals, Forums and District Courts of Delhi, attached: Yes/No

Sl.No.	Details of Case	Date of Order/ Vakalatnama

15. Any additional professional qualification(s) / achievement(s), which will further the candidature, may be listed in the box below, (Documentary proofs may be attached)

UNDERTAKING

1. I hereby confirm and declare that the information furnished in the application and in the attached certificates is true/correct and complete to the best of my knowledge and belief. I have not concealed any relevant information. I am fully aware that if any of the information furnished by me is found to be false/ incorrect, my candidature for the empanelment will be treated as cancelled and matter will be referred to the appropriate authority.
2. I also undertake to maintain absolute secrecy about the cases of TIFAC.
3. I also undertake to return all case files and records to TIFAC as and when required.
4. I agree with all the terms and conditions as mentioned in the advertisement including the fee schedule notified by TIFAC.

Place:
Date:

Signature of the Advocate:

Enrolment number :
Mobile number :