



THE SHIPPING CORPORATION OF INDIA, LTD.

BOARD SECRETARIAT

LEGAL AFFAIRS DEPARTMENT

The Shipping Corporation of India Ltd., 245, Madame Cama Road, Mumbai-400 021

EMPANELMENT OF ADVOCATES/LAW FIRMS

The Shipping Corporation of India (SCI) proposes to constitute a fresh panel of Advocates/ Law firms for handling its various legal matters/ litigation in various Courts/ Tribunals/ Forums/ Authorities. The detailed Expression of Interest (EoI), including the scope of work, eligibility criteria and the manner of submission of the EoI are available at SCI's website viz. www.shipindia.com.

The Advocates/Law firms fulfilling the conditions, as prescribed herein, shall submit soft /scanned copy in pdf by email with duly filled EoI together with requisite documents addressed to The Executive Director (LA)&CS, The Shipping Corporation of India Ltd., 7th Floor, Board Secretariat, Shipping House, 245, Madame Cama Road, Nariman Point, Mumbai 400021. The complete EoI must reach at the designated address before 4:00 PM on 20-06-2020 (Saturday) by e-mail sci.legal@sci.co.in No entries received thereafter shall be entertained under any circumstances.

EXPRESSION OF INTEREST
FOR EMPANELMENT OF ADVOCATES/LAW FIRMS

The Shipping Corporation of India Limited (hereinafter referred to as 'SCI'), is country's premier shipping line of the Government of India. SCI owns and operates around one-third of the Indian tonnage, and has operating interests in practically all areas of the shipping business, servicing both national and international markets. SCI has offices located at Mumbai, Delhi, Kolkata, Chennai and Port Blair.

SCI proposes to constitute a panel of Advocate/Law Firms having desired experience in handling litigations in Courts/Tribunals/Consumer Forum etc. for a period of 2 (two) years from 1st July, 2020, with renewal option for another one year at the discretion of SCI, subject to terms and conditions mentioned below.

GUIDELINES FOR EMPANELMENT OF ADVOCATES/ LAW FIRMS FOR REPRESENTING AND DEFENDING SCI BEFORE VARIOUS COURTS/ TRIBUNAL/ FORUMS/ AUTHORITIES ETC.:

The SCI hereby frames the following guidelines to regulate the procedure for empanelment of advocates/ law firms to represent and defend SCI before various courts/ tribunal/ forums/ authorities etc., and for determination of fee/ remuneration payable to such persons. These guidelines shall supersede all existing instructions in this regard.

Definitions:

Unless repugnant to the context, for the purposes of these guidelines, words used herein shall have the meaning assigned hereunder:

- (i) 'Advocate' means an advocate, entered in any roll under the provisions of Advocates Act, 1961 (Act 25 of 1961);
- (ii) 'Competent Authority' shall be any officer so designated by SCI.
- (iii) 'Effective Hearing' shall mean a hearing in which either one or other parties involved in a matter/ case was heard by the court/tribunal/ forums/ authorities etc.
- (iv) 'Non-effective Hearing' shall mean and include a situation where the matter / case is listed on a particular day and is subsequently adjourned for any reason whatsoever or any procedural directions such as extension of time or of any such nature is sought by any party.
- (v) 'Connected cases' shall mean cases or batch matters which arise out of same/similar cause of action.

ELIGIBILITY CRITERIA

The eligibility criteria for selection of Advocates/ Law Firms shall be as under:-

1. The Advocates/Law Firms should have minimum bar standing as described herein below:-
 - a. For representation before the Supreme Court of India – minimum 10 (Ten) years of continuous practice.
 - b. For representation before High Court – minimum 7 (Seven) years of continuous practice.
 - c. For representation before Subordinate court/ tribunals – minimum 5 (Five) years of continuous practice.
2. The Advocates/ Law Firms shall be empanelled having regard to their relevant experience & expertise in Maritime and Shipping laws, Industrial Dispute & Labour Laws, Taxation Laws, Company Laws and other such relevant areas which impacts SCI's interests and shall be at the sole discretion of SCI.

SCOPE OF WORK

The Scope of work for Panel of Advocates/Law Firms shall include but not limited to:-

1. Rendering opinion/ advice on various legal issues referred from time to time.
2. Drafting and vetting of various legal documents/pleadings to be submitted before various Courts/Judicial Authorities/Forums.
3. Attend SCI Office as and when requested to tender advice on issues referred.
4. Appear and defend SCI in safeguarding its best interest in the Courts/Tribunals/ Forum/Statutory Authorities in the cases, assigned by SCI.
5. Any matter incidental to the above broader functions/ activities.

GENERAL TERMS AND CONDITIONS

1. The initial term of the constituted panel will be for a period of 2 (two) years, extendable by another 1 (one) year at SCI's discretion, subject to periodical review of performance of such empanelled advocates/firms by SCI.
2. If required and considered appropriate by the Competent Authority at SCI, Attorney General of India/ Solicitor General of India/ Addl. Solicitor General/ Advocate General/ Senior Counsel/ Solicitor/ Advocate/ Law Firm, etc who are not on the panel may be engaged on behalf of SCI keeping in view the urgency,

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- their expertise in the matter and stakes in a particular matter. They shall be engaged on case to case basis with the approval of the Competent Authority.
3. Similarly, for matters litigated beyond the territory of India, Corporation reserves the right to engage lawyers/ firms who are not on the panel, on case to case basis.
 4. Cases in which claims are below a certain pecuniary limit, SCI reserve the right to avail services at a capped fee. Further, SCI reserves the right to fix such pecuniary limits/ proportionate with claim value depending on the facts and circumstances of the case.
 5. In Connected Cases, wherein SCI is a party, the quoted fee shall be admissible for the first case only. 25% of the quoted fee in the first case shall be admissible towards other such connected cases.
 6. The clerkage fee shall not be more than 10% of total billed amount and charges of non-effective hearing shall not be more than 25% of charges of effective hearing.
 7. Fee payable as per the approved quotes be considered only for one payment towards the firm/ advocate attending the matter, irrespective of fact the advocate may be accompanied by their junior or senior colleagues. However separate prior approval is needed with additional fee quotes for Engagement of Senior Advocate/ Counsel, for arguments if required only upon prior approval.
 8. Any additional expenses to be incurred in relation to the case shall mandatorily require prior concurrence of Competent authority at SCI. Such claims shall not be entertained by SCI unless the same is supported by original invoices.
 9. In the event the empanelled lawyer requires the engagement of a counsel/senior counsel/AoR etc. in a case, prior concurrence of Competent Authority at SCI is required
 10. This empanelment shall not entitle the Advocate/ Law firm for mandatory allocation of cases. It shall be the sole discretion of SCI to allot cases to such empanelled advocates/ firms. SCI reserves its right to further include/ remove advocates/firms on its panel depending upon its requirements.
 11. Request for advance payment of professional fee/ charges shall not be entertained.
 12. SCI reserves the right to terminate the services of such empanelled Legal advocate/ firm at any time without assigning any reason whatsoever.
 13. SCI, may at any time and for any reason, modify/cancel the notice inviting application for empanelment of Advocate/Law Firms.
 14. SCI may, at its discretion, extend the due date for submission of EOI.

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15. SCI reserves the right to accept or reject any or all such EoI in part or full without assigning any reason whatsoever.
 16. Cases already entrusted to advocate/ Firm prior to 01-07-2020 and pending before Court of Law has/ have to be handled at existing schedule of fees and expenses or revised scheduled of fees and expenses under Annexure –B whichever is lower.

The Advocates/ Law Firms interested on the aforesaid terms shall submit their detailed fee structure as per the format specified in Annexure-B to this EoI.

Submission of EoI

The EOIs are to be submitted in the following manner:

1. The particulars relating to the professional qualifications and experience shall be furnished in the format as prescribed at **Annexure-A** along with the supporting relevant documents.
2. EoI shall contain the complete “Schedule of fees” quoted as per the format prescribed at **Annexure- B**.
3. Advocate/Firm who is/are willing to appear on consolidated fees basis can state their quote under **Annexure-C**
4. Advocate/Firm is/are at their discretion to submit fees under **Annexure-B** alone or Under **Annexure-C** alone or under both **Annexure-B and C**.
5. The EoI shall be accompanied by the License (sanad) issued by the respective State Bar Council with which the advocate/firm is registered with along with the Certificate of Practice issued by the Bar Council of India for the advocates enrolling after 2011.
6. Every page of the Applications/ Annexure shall be signed by the Advocate/ Authorized Signatory of the Firm and shall send its scanned/ soft copy be email.
7. Applications received with incomplete details or duly filled after **4:00 pm on 20-06-2020** shall not be considered/ entertained, of whatsoever may be the reasons.
8. The EoI is liable to be rejected by SCI if it is not in the prescribed format or incomplete or in any manner violates the conditions of the EOI in letter and spirit.

Conflict of Interest

- A. The Advocate/ Firm shall ensure that there is no conflict of interest at a relevant point of time, in matters in which such Advocate/firm is acting on behalf of or representing SCI/ Ministry of Shipping, shall not represent any of the opposite parties in other cases till that case/matter is pending.

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- B. An Advocate/ firm shall not advise any party or accept any case against the SCI in which they appeared or is likely to be called upon to appear or advice.
- C. 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 SCI arising in any court during the pendency of such case.

Termination/ Removal from the Panel

Advocate/firm shall be removed from SCI's panel due to any of the following reasons:

- (i) Giving false/ fabricated information in the application for empanelment;
- (ii) Handing over the brief or matter to another advocate without prior written permission of SCI;
- (iii) Failing to attend hearing of case without sufficient reason and prior information;
 - a. Not acting as per SCI's instructions or going against specific instructions;
 - b. Not returning the brief when requested or not allowing or evading to allow its inspection of documents/ file/ brief on demand;
- (iv) Misappropriation of SCI's funds or earmarking, using the same towards his/their fee without SCI's permission.
- (v) Threatening, intimidating or abusing any of the SCI'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 SCI;
- (vii) Committing an act tantamounting to contempt of court or professional misconduct under the relevant rules/ guidelines;
- (viii) Conviction of the Advocate in any offence resulting into arrest or detention due to moral turpitude or disbarment due to any reasons by the Bar Council;
- (ix) Passing on information relating to SCI's case on to the opposite parties or their advocates which is likely to cause damage to the SCI's interests;
- (x) Giving false or misleading information to SCI relating to proceedings of case;
- (xi) Frequent adjournments sought/ being obtained or not objecting adjournments moved/ sought by other party without sufficient reasons.
- (xii) Seeking discharge from the court without intimating about the same to the SCI.

(xiii) Engaging in excessive billings on the basis of manipulated dates of hearing.

Empanelment shall be liable to be terminated, if the advocate/ firm is found to be engaged in any of the aforesaid activity to the satisfaction of Competent Authority of SCI, whose decision shall be final in this regard.

Interpretation Clause

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 Competent Authority at SCI and his decision shall be final.

Annexure 'A'

EXPRESSION OF INTEREST
FOR ENGAGEMENT AS PANEL ADVOCATE IN SCI

1. **Full Name:**
2. **Address for Correspondence:**
3. **Contact Details:**
 - a. **Telephone No:**
 - b. **Mobile No :**
 - c. **E-Mail :**
4. **Date of enrolment with the Bar Council:**
(Enclose self certified copy of enrolment certificate)
5. **Name/s of Partners:**
6. **Name/s Sr. Advocates if any**
7. **Names of Associates/Other advocates :**
8. **Years of practice in various Courts/Tribunals/Other Forums:**
(Details to be furnished & if necessary, separate sheets can be attached)
9. **Experience in handling Legal Issues/ Litigation on behalf Government/ Government Agencies/ PSUs/ Bodies:**
(Details to be furnished & if necessary, separate sheets can be attached):
10. **Area(s) of practice with specialization:**
11. **PAN No.:**
12. **Bank Account No. & Details:**
(A cancelled cheque must be attached):
13. **Any other facts which you consider relevant in the context of your suitability:**
14. **Copy of Income Tax Returns (ITR) filed for last three years to be attached:**

I certify that the information contained in this application is correct and true to the best of my knowledge and belief and nothing material has been concealed.

Place:

Date:

Signature
Name and Address

Annexure-B

Schedule of Fee Quoted

Consolidated Fee, per case basis for Litigation related work as indicated at scope of work. (Fee to be quoted separately for litigation in Supreme Court, High Court, Subordinate courts/ Tribunal) where representation of behalf of SCI is likely to be required.

S. No.	Particulars	Fee (INR)			Arbitration
		SC	HC	Sub. Court/ Tribunals	
A	a. For written opinion (including conference) b. Drafting and filing pleadings. c. Drafting/ vetting of agreements/ contracts				
B	Appearances (i) Effective hearing (ii) Non-Effective hearing				
C	Discussion/Conference charges				
D	Clerkage				
E	Drafting Legal Notice/ Reply				

Note:

- i. Clerkage charged shall not be more than 10% of the total billed amount.
- ii. Charges for non-effective hearing shall not be more than 25% of the charges of effective hearing and the above schedule fee is payable for one Advocate attending the matter/ case, irrespective of the fact they may be accompanied by their junior/ senior colleagues. However separate prior approval is needed with additional fee quotes for Engagement of Senior Advocate/ Counsel, for arguments
- iii. Conference charges by the empanelled advocate/ firm shall not vary on the basis of forum where the case is pending and the same shall be raised only when it is explicitly requested and approved by the SCI.
- iv. Law Firm/ Advocate need to send regular communication/ case status updates to SCI by emails/ letters, for which no separate or additional fee is payable or considered as time spent in reading or sending emails/ letters etc.

Place:

Date:

Signature
Name and Address

ANNEXURE – C

Lump sum Fees and Expenses Quoted

Lump Sum fees and expenses for handling litigations before Court of Law (Fee to be quoted separately for litigation in Supreme Court, High Court, Subordinate courts / Tribunals) and before Arbitrator/s where the representation of behalf of SCI is likely to be required].

S. No.	Particulars	Fee (INR)		
		SC	HC	Sub. Court/ Tribunals
1	Lump Sum Legal Fees And Expenses for Court cases (Mention Location of Court)			
2	Lump Sum Legal Fees and Expenses for handling Arbitration cases.			

Notes

1. Please mention the location of High Court, Sub Court, Tribunals while quoting the lump sum fees and expenses
2. Lump Fees for handling arbitration matters may also be mentioned.
3. Advocate/ Law firm is having option for quoting fees under Annexure-B alone or under Annexure-C alone or under Annexure –B and C both.
4. Lump sum fees & expenses including Professional fees for drafting pleadings/ conducting Conferences with SCI Officers, appearing on hearing dates, Filing documentary evidence, Filing Affidavit in Chief Examination and conducting Cross examination, Conducting oral arguments, filing written arguments etc. Court fees, xerox charges will be reimbursed in addition to lump sum fees.
5. SCI is having option to engage an advocate/ advocate firm as per the fees schedule under Annexure -B or under Annexure-C at its sole discretion

Place:
Date:

Signature
Name and Address