



**CENTRAL GOVERNMENT
EMPLOYEES WELFARE
HOUSING ORGANISATION**

(Ministry of Housing and Urban
Poverty Alleviation, Govt. of India)

6th floor, 'A' Wing,
Janpath Bhawan,
Janpath, New Delhi-110001
Ph.: 011-23717249,
23739722, 23355408
Fax : 011-23717250
Website : www.cgewho.in
E-mail : cgewho@nic.in

**CGEWHO REQUIRES
LEGAL ADVISOR**

CGEWHO invites applications from Government empanelled Senior Counsels/ practicing Senior Advocates/ Legal Firms, for empanelment on monthly retainerhip basis. Senior Advocates with specific experience in the field of land acquisition, construction, conversion, registration, title deed, conveyance deed, contracts etc. may apply. Per month Retainerhip Fee and Lump-sum (consolidated) fee for contesting Court cases in different Courts/ Forums in Delhi, must be specifically indicated in your Offer. Please do not quote per-appearance rates. It may be sent latest by 03.06.2014 at the above mentioned address. For details about pre-qualification criteria and procedure about shortlisting and other details required, website of CGEWHO may be referred at www.cgewho.in

CEO, CGEWHO, New Delhi

Agency : SPCPL Size : C3 w x 16 H

CENTRAL GOVERNMENT EMPLOYEES WELFARE HOUSING ORGANIZATION

(Ministry of HUPA)

Janpath Bhawan

New Delhi – 110 001

GUIDELINES FOR EMPANELMENT OF ADVOCATES / FIRM**1. Qualification:**

- (i) The Advocate should possess a Degree in Law from a University, recognized by the Bar Council of India.
- (ii) The Advocate should be enrolled with the Bar Council.

2. Eligibility:

- (i) The Advocates / Firm should be familiar with the various branches of law, particularly constitutional law, C.P.C., Cr.P.C, IPC, Evidence Act, Indian Contract Act, Limitation Act, Land and acquisition of land matters, construction & Infrastructure matters, Negotiable Instrument Act, Arbitration Act, service law, labour law, taxation etc.
- (ii) To the above, the Advocates are to have minimum 10 years professional / court experience including cases of Govt. organizations / Autonomous Bodies.
- (iii) The Advocates / Firms should have experience of drafting MoUs/ Contract Agreements and land search titles and deeds.

Provided that the Competent Authority may relax the aforesaid conditions at its discretion.

3. Payment of fee & other conditions:

- (a) The fee payable to the Advocate shall be governed by the Schedule of Fee, annexed with retainerhip letter, as amended from time to time.
- (b) Monthly retainerhip fee shall be paid to any Panel Advocate / Law Firm merely because such Advocate / Law Firm has been empanelled.

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- (c) Degree of Law.
- (d) Registration certificate, issued by the Bar Council.
- (e) Identity card, issued by the Bar Council & Bar Association.

4. Tenure / Term of Empanelment:

The initial empanelment shall be for the period of three years or until further orders whichever is earlier. Performance of empanelled advocates shall be reviewed on annual basis. However, on completion of the term and satisfactory performance of the Advocate, the empanelment may be revised for a further period of three years by the Competent Authority on the mutually agreed terms. Period of empanelment shall be renewed on annual basis. The Competent Authority reserves its right to terminate the empanelment of any Advocate at any 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 CGEWHO. While considering the request from the Advocates, following points shall be considered.

- (i) Length of practice experience and specialization in the area of various laws.
- (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) 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 may be verified.

6. Documents to be obtained from the Advocate :

The Advocates are required to submit their application alongwith the Bio-data giving lumpsum rates for court cases.

7. Communication of Empanelment:

The selected advocates shall be informed by the Competent Authority as per Annexure-B with acknowledgement and acceptance due.

8. Maintaining of Professional Ethics:

During the term of empanelment and thereafter the Law Firm / Advocates shall maintain confidentiality of the matters pertaining to CGEWHO. They shall neither advise any party nor accept any case against the CGEWHO during the term of empanelment. They shall protect the interests of CGEWHO suo-moto.

9. Disablements

Disablement of empanelment on the part of the Advocates/ Firm 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 CGEWHO ;
- iii. Failing to attend the hearing of the case without sufficient reason and prior permission ;
 - a. Not acting as per CGEWHO'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. Making any of his associates or juniors to appear on behalf of any of the opposite parties in cases/ appeal related to CGEWHO.
- v. Committing an act tantamounting to contempt of court or professional misconduct.
- vi. Conviction of the Advocate in any offence resulting into arrest or detention or disbarment by the Bar Council ;
- vii. Passing on information relating to CGEWHO's case on to the opposite parties or their advocates which is likely to cause damage to the CGEWHO's interests ;
- viii. Giving false or misleading information to the CGEWHO relating to the proceedings of the case ; and

- ix. Frequent adjournment being obtained or not objecting the adjournment moved by other party without sufficient reason ;
- x. Not to agree without permission to give any concession, rebate or payment of cost to any other on behalf of CGEWHO before any Court/ Forum/ Tribunal.
- xi. 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 CEO, CGEWHO and the Decision of the CEO, CGEWHO thereon shall be final.

Definitions

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

- i. 'Advocate' means an advocate, entered in any roll of advocates under the provisions of Advocates Act, 1961 (25 1961) ;
- ii. The Competent Authority shall be the CEO or any officer so designated by the CGEWHO.
- iii. The court shall mean and include CMM Delhi, any High Court, Supreme Court of India, Consumer Forum, BIFR, Tribunal etc.
- iv. '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 judgement is pronounced, it would not constitute an effective hearing for the purposes of these guidelines but as non-effective hearing.
- v. The term 'similar cases' shall mean two or more cases in which identical or substantially similar questions of law or facts are involved.

Terms/ term of Empanelment

The initial empanelment will be for three years or until further orders whichever is earlier. Performance of empanelle 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 three years by the CGEWHO. CGEWHO reserves the right to terminate the empanelment of any advocate at any time.

Right to Private Practice and Restrictions

- i. An advocate 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 CGEWHO.
- ii. An advocate shall not advise any party or accept any case against the CGEWHO in which he has appeared or is likely to be called upon to appear or advise.
- iii. If the advocate happens to be a partner of a firm of lawyer or solicitors, it will be incumbent upon the firm not to entertain any case against CGEWHO.
- iv. Annual income-tax return filled with the Tax Authorities.

General

- i. Refusal by any advocate to accept any work otherwise than on grounds of conflict of interest, may entail removal of such advocate from the panel.
- ii. The Advocates empanelled under these guidelines shall not be employees of the CGEWHO and therefore, shall not be eligible for any benefits available to its employees.
- iii. The empanelled Advocate shall maintain absolute secrecy and confidentiality about the cases of the CGEWHO as required under the Act and rules/ regulations made thereunder.
- iv. The advocates shall in full accept the terms and conditions of the empanelment as determined by the CGEWHO from time to time.
- v. In case of empanelment of Law Firms, all the terms and conditions for empanelment of the individual Advocates shall apply mutatis mutandis to them.
- vi. Mere fulfilling the eligibility criteria will not confer any right on a candidate to be selected for empanelment.

Pre-Qualification Criteria for Selection of Legal Advisor

Central Government Employees Welfare Housing Organisation is a Registered Society under the Ministry of Housing & Urban Poverty Alleviation, Government of India, seeks to empanel a Legal Advisor to provide legal advisory services and professional consultancy from time to time.

A. The illustrative nature of tasks is given below :

- i. Contesting Court cases in Courts/ Consumer Forums in Delhi as well as in neighbouring States.
- ii. Matters pertaining to Land Acquisition, Title Search, Conversion and Registration etc.
- iii. Matters pertaining to Contract Agreements, Contract Documents and related matters with Contracting Agencies.
- iv. Conveyance Deeds and vetting of documents.
- v. Replies to legal notices and written statements etc.
- vi. Finance matters and Tax issues.
- vii. Preparation of Agreements, matters pertaining to Loan and Bank Guarantees etc.

B. Eligibility Criteria :

Sr.No.	Achievements
i.	Advocates/ Law Firms should have vast experience of above stated work
ii.	Should be a member of Bar Council, Delhi and preferably 'Advocate on record'
iii.	Advocates/ Law Firms should have experience and empanelment of 2 Govt. Departments Institutes. or Organizations/ Public Sector Banks/ Public Financial Institutions
iv.	Advocates/ Law Firms must have adequate infrastructure including Office Computer with Email facility, Fax, well maintained Law Journals, Library etc.

Selected advocates/ law firm shall be empanelled for a period of two years and his/ their services shall be availed from case to case basis on a fee agreed by the organization.

Terms and Conditions :

- i. The Advocate/ Law Firm will depute at least one qualified and experienced Advocate on regular basis at CGEWHO, New Delhi.
- ii. The work will be executed in the premises of CGEWHO, New Delhi on the working days. In urgent situations, Advocate or staff of firm may work on Saturday/ Sunday/ Holidays without any additional financial incentive with the prior approval of the Competent Authority.
- iii. CGEWHO, New Delhi has the right to accept/ reject the application(s) of any Advocate/ Law Firm without assigning any reason(s) thereof.

The interested Advocates/ Law Firms are advised to submit sealed envelope super-scribing **"Application for Empanelment of Advocates/ Law Firms"** containing all details asked above and addressed to the CEO, CGEWHO at the address given above.

(P.T.O.)