

 <p>एनपीसीआईएल NPCIL</p>	<p>न्यूक्लियर पावर कॉर्पोरेशन ऑफ इंडिया लिमिटेड ; एनपीसीआईएल Nuclear Power Corporation of India Limited (एनपीसीआईएल लिमिटेड) (A Government of India Enterprise) CIN : U40104MH1987GOI149458</p> <p>काकरापार गुजरात स्थल Kakrapar Gujarat Site आठवा : ज अहमदाबाद, समुदाय : अहमदाबाद, ज, तालुका : चणुआ, S, ° , E, °, - 394651 PO: Anumala, Via : Vyara, Dist : Surat, Gujarat - 394651</p>	
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NPCIL/KAPS/Legal/EOI-01/2018/04

January 29, 2018

Notice inviting Expression of Interest (Eoi) for empanelment of Advocates/ Law Firms for handling the litigations/Court Cases for and on behalf of NPCIL, Kakrapar Gujarat Site.

Nuclear Power Corporation of India Ltd. (NPCIL) is a Public Sector Enterprise under the administrative control of the Department of Atomic Energy (DAE), Govt. of India. NPCIL was incorporated as Public Limited Company under the Companies Act, 1956 with the objective of operating atomic power plants and implementing atomic power projects for generation of electricity, in pursuance of the schemes and programmes of the Government of India under the Atomic Energy Act, 1962. We have our Power Stations/projects located at different parts of the country having its Corporate Office at Mumbai.

Presently, we are looking for Advocates / Law Firms for handling litigations for and on behalf of NPCIL, Kakrapar Gujarat Site before the Hon'ble Gujarat High court, Ahmedabad Central Government Industrial Tribunal, other Judicial and Quasi Judicial Authorities / Tribunals situated at Gujarat. The area of our litigation inter-alia includes service matters, labour matters, Writ Petitions, PIL, commercial disputes, Tax matters, etc.

Interested Advocates/Law Firms may submit their applications in the attached proforma. The details for eligibility and other terms and conditions for empanelment are given below:

1. Eligibility for Empanelment:

- (i) The Advocates/Law Firms should be familiar with various branches of Law especially those concerning recruitment/promotions in various categories in Government /Public Sector Organizations, various reservations under various heads/ categories and Constitutional Law, Labour Laws, Industrial Dispute Act, Administrative Law, Civil Laws, Criminal Laws, Commercial Law, Arbitration and Conciliation Act, Tax matters, and other Laws.
- (ii) The Advocates/ Law Firms are required to have a minimum of 7 years of professional experience before the Honourable High court/Tribunals/Court. (Provided that the Competent Authority may relax the above conditions at its discretion, if otherwise found eligible in certain cases).
- (iii)The Advocates /Law firms having relevant expertise should have full-fledged office with requisite infrastructure and electronics communication facilities.
- (iv)The Advocates/Law Firms should have excellent professional reputation and be able to engage Sr. Advocates/Solicitor General/Additional Solicitor Generals on need basis as per the requirement.
- (v) The Advocates/Law Firms should have the experience of handling legal matters of Public Sector Undertakings/Central/State Government Departments. For considering empanelment, generally those advocates, who are regularly practicing, including Advocates-on-Record of the High Court and CGIT, Ahmedabad, would be considered, if they are otherwise found to be competent and suitable. However, the Corporation reserves the right to relax, any or all of the above conditions at its discretion.
- (vi)The Advocate / Law Firm should not be blacklisted in the last 2 year by Central/State Government/PSU and should never been penalized by any Bar Council in any Disciplinary proceedings.

2. Tenure/Term of Empanelment:

The initial empanelment shall be made for a period of 3 years, which can further be extended subject to satisfactory performance of the

empaneled Advocate /Firms. Performance of empanelled advocates shall be reviewed on annual basis. However, on completion of the term and satisfactory performance of the Law Firms/Advocate, the empanelment may be renewed for a further period as Corporation may decide. Corporation reserves the right to terminate the empanelment of any Advocates/Law Firms at any time.

3. Payment of Fee and other conditions:

- a. **Legal fee in two stages:** First bill payment shall be made after filing of Vakalatnama and second after the case is decided i.e. on the receipt of certified copy of the Judgment along with opinion. Fee structure shall remain valid from the date of empanelment and shall remain in force till further orders. Payment shall be released after submitting invoices. Applicable taxes will be deducted at source from the bills as per the Law.
- b. The empanelled Law Firms/Advocate may claim full fees for appearance only in cases of effective hearing. The effective hearing charges will be restricted to 10 numbers (except First appearance). For non-effective hearing the Advocates/Law firms shall be entitled 50% of the full fees.
 - i) '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, arguments were advanced by the Counsel of any of the parties, Examination-in-chief, cross examination is conducted, issues/charges has been framed and statement recorded, Order passed.
 - ii) 'Non-effective Hearing' shall mean all hearings which are not covered in the above definition of effective hearing.
- c. Where two or more cases involving substantially identical or similar question of law or facts, one of such cases will be treated as lead case and others as identical/connected cases and the advocate/Law firms shall be paid full fee for the main case and 50% of the fee of main case for each of the identical or similar connected cases (except actual typing, photocopy, court fees, Clearkage expenses).
- d. The miscellaneous expenses such as filing charges, typing, photocopy, court fees other incidental expenses, etc. will be paid

on actual basis. Self certification shall be permissible where actual bills are not feasible.

- e. Clearkage shall be 10% of the total fees.
- f. If a Senior Counsel/AG/SG/ASG is engaged after the consent of the Corporation for conference or his appearance before the Hon'ble High Court/Tribunal as per the requirement, the fees shall be paid by the Corporation on actual basis on production of bill/memo of the Senior Counsel/AG/SG/ASG as the case may be.
- g. The empanelled Advocate/Law firm shall not be eligible for payment of any kind of retainership from the Corporation

4. Procedure for empanelment:

Law Firms/Advocates having adequate infrastructure, competence & capability with proven track record, will be considered for empanelment. The empanelment will be on the basis of eligibility criteria, past experience, credentials and the fees quote. However, merely satisfying the eligibility criteria or quoting the lowest fees will not entitle Firm/Advocates to be empaneled. Depending upon the number of EOI's received, Corporation reserves its right to empanel only the required number of Advocates/Firms as they deemed fit. Decision of Corporation in all the matters regarding number of Advocates/firms to be empaneled, their eligibility as per the documents produced by Advocates/Law Firms, short listing, allotment of cases, etc. will be final and binding on the Advocates/firms. No correspondence or personal enquiries shall be entertained by the Corporation in this regard.

5. Communication of Empanelment:

After a decision to empanel the Advocates /Law firms is taken, a communication in writing to this effect shall be sent to the Advocates /Law Firms with acknowledgement and acceptance due. The process of empanelment shall be completed when the Corporation receives an **unconditional "acceptance letter"** from the Advocates /Law Firms in writing. This EOI will be the part of contract between NPCIL Kakrapar Gujarat Site and the concerned selected Advocate / Law Firm as a terms and conditions of contract.

6. Disablements:

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

- i) Furnishing false information in the application for empanelment;
- ii) Failing to attend the hearing of the case without sufficient reasons and prior information;
 - a) Not acting as per Corporation instructions or going against specific instructions;
 - b) Not returning the brief when demanded or not allowing or evading to allow its inspection on demand.
- iii) Making appearances on behalf of any of the opposite parties in cases/appeals related to Corporation; and
- iv) Giving false or misleading information to the Corporation relating to the proceedings of the case
- v) 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 firm.

7. Confidentiality

Information / facts obtained from NPCIL, will not be disclosed to any third party without the written consent of the NPCIL.

8. How to Apply

Interested Advocates/ Law Firms may send their detailed Bio – Data with self attested photocopies of required documents and schedule of fees as per the format enclosed as ANNEXURE- I & ANNEXURE - II with this EOI in a sealed envelop addressed to :-

Manager (Legal)
NPCIL, Kakrapar Gujarat Site,
Anumala, Via- Vyara,
District Tapi, Gujarat – 394651.

by **Registered / Speed Post** only on or before 28/02/2018 to this Office. The application and envelop should be superscripted "Application

for Empanelment of Advocates". No application shall be entertained, if received after the due date.

9. Removal of difficulty

In the matter of implementation of these guidelines, if any doubt or difficulty arises regarding the interpretation of any of the clause of these guidelines, the same shall be placed before the Competent Authority and the decision of Corporation thereon shall be final. Further In case of dispute the provisions of Arbitration & Conciliation Act as per NPCIL procedure will be applicable.

EOI NO: NPCIL/KAPS / Legal/ EOI-01/ 2018/04

FORMAT FOR SUBMISSION OF BIO DATA BY ADVOCATE

1	Name of the Advocate/ Law Firm address	
2	Date of Birth/ Registration of Law firm	
3	Educational Qualifications. (Enclose Copy)	
4	Date of Enrolment and name of the Bar Council (Enclose Copy)	
5	Date of enrolment as an Advocate-on-record of the High Court of Gujarat and Registration Number. (Enclose Copy)	
6	Period of Practice	
7	Details of Experience/Practice	
8	Area of practice	
9	Specialization, if any	
10	Whether a central Government Counsel/Pleader (Indicate period)	

11	Brief list of clients (Central Government/ State Government /PSU/commission/ Autonomous Bodies) (Enclose appointment letters)	
12	Courts where the Advocate is regularly Practicing	

Signature of the Advocate
With seal

EOI NO: NPCIL/KAPS / Legal/ EOI-01/ 2018/04

SCHEDULE OF FEES

Kindly quote your rates in respect of the following services to be provided:

Sl. No.	PARTICULARS	Rs.	
		High Court	CGIT, Tax Tribunals, etc.
1.	For Drafting, Pleading i.e.: a. Petition. b. Reply, Rejoinder, Application, Caveat, Notice, Documents, etc.		
2.	For appearance/attending the hearing including admission of cases or any interlocutory application, etc. before Gujarat High Court, Ahmedabad/Tribunals/ etc.: (i) Effective hearing charges : a) First hearing b) Subsequent hearings (ii) For non-effective hearing (iii) For rendering legal opinions		
3.	For attending conferences, meetings and discussions: a) Senior Counsels b) Counsels		
4.	Out Station Cases (Cases at any Court / Tribunal/Quasi Judicial Authority outside the Ahmedabad)		
5.	Clearkage		

5.	<p>Out of pocket expenses including:</p> <p>A. Payment to Senior Advocate AG/SG/ASG is engaged for conference or his appearance before the Hon'ble High Court/Tribunal, as per the requirement, the fess shall be paid by the Corporation on actual basis on production of bill/memo.</p> <p>B. Typing, stamps, Xeroxing and other misc. expenses.</p> <p>C. Out station charges, travelling expenses and other incidental charges on production of bill/memo.</p>	
6.	Taxes and other statutory charges, if any.	

Authorized Signatory
With seal