



भारतीय अन्तर्देशीय जलमार्ग प्राधिकरण

(पत्तन, पोत परिवहन और जलमार्ग मंत्रालय, भारत सरकार)

मुख्यालय : जलमार्ग भवन, ए-13, सैक्टर-1, नौएडा-201 301, (उ० प्र०)

INLAND WATERWAYS AUTHORITY OF INDIA

(Ministry of Ports, Shipping and Waterways, Govt. of India)

Head Office : Jalmarg Bhawan, A-13, Sector-1, Noida-201 301 (U.P.)

Website : www.iwai.gov.in | www.iwai.nic.in

Tel. : +91-120-2544036, 2543972, 2527667, 2448101 Fax : +91-120-2544009, 2544041, 2543973, 2521764

To,

Dated:- 27.07.2023

M/s Legacy Law Offices

Law Firm

Mob:-7597383993

Email:-vandana.randhawa@legacylawoffices.com

Address:- Legacy House, D-18, Nehru Enclave,
Kalkaji, New Delhi, -110019

Subject:- Empanelment as Authority's Law Firm.

This is with reference to your application dated 20.03.2023 wherein you have evinced interest for empanelment as a Law Firm with the Authority. We are pleased to inform that your request has been considered favourably and you are advised to give your assent for empanelment on following terms and conditions. A copy of guidelines is enclosed as **Annexure-A**.

1. Your Firm will be empaneled for a period of two years.
2. The Firm will abide by IWAI's terms and conditions and will not claim any retainer fee or employment in IWAI's service.
3. The Firm will not accept any case against the IWAI.
4. The Firm will take necessary steps to protect the interest of the IWAI in matters entrusted to the firm from time to time.
5. Empanelment does not confer any right or claim that your firm alone should be entrusted with the IWAI's work.
6. The firm will deal with the case assigned, in addition to coordinating and working with designated Senior Advocate, if any, engaged in some matter.
7. IWAI may at any time, at its discretion withdraw from the Firm any proceedings/ matter/ brief and may discontinue empanelment without assigning any reason thereof and without paying any further fees.
8. Firm will keep IWAI informed about the developments in the matters entrusted to the Firm on regular basis using all digital modes of communication and shall intimate through call, if the situation so demands.

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9. Unless a case is specially assigned to your firm by the IWAI, Firm will not on its own receive Summons / Notices of the IWAI's matters and even if it receives, but no Vakalatnama is received from IWAI, Firm shall not otherwise deal with such cases. However, Firm will immediately inform the IWAI in this regard.
10. Your firm shall not use IWAI's name or logo in your letter heads, sign boards, name plates etc.
11. In case of any conduct not befitting as an empaneled Law Firm, the IWAI will take appropriate action against your Firm which may include, but is not limited to, filing complaint with Bar Council and recovery of financial loss caused to the IWAI due to your conduct.
12. In case of initiation of any administrative action by Bar Council or criminal proceedings against your firm, the IWAI may remove Firm from the panel even without waiting for the conclusion of such proceedings.
13. Your performance will be reviewed on yearly basis and if your services are not found up to the mark, IWAI may remove you from panel and the cases/ matters entrusted to you will be taken back from you.
14. You are required to maintain absolute secrecy about the cases of the IWAI as required under the Act, relevant rules and regulations and you shall not divulge any details to an outsider or opponent as the case may be without written consent of the IWAI.
15. You will be paid the legal fees for rendering your legal service to IWAI as per scheduled of Fees/Charges approved by IWAI. A Copy of the same is enclosed as **Annexure-B**.

If aforesaid terms and conditions are acceptable to your Firm, a duly signed/stamped duplicate copy of this letter indicating your unconditional consent may be sent to our office within seven (07) days from the date of receipt of this letter. We look forward for better cooperation and hope for good relations with your Firm.

Yours faithfully,



(Ajay Kumar)

Assistant Secretary (Legal)

Email:- ajaykumar.iwai@nic.in

Mob:-9958196871

Encl:-As above.

INLAND WATERWAYS AUTHORITY OF INDIA

Subject: Empanelment of Advocates/ Law firms for representing and assisting the Authority before various Courts/ Tribunal etc.- regarding

The Inland Waterways Authority of India (IWAI) intends to engage/empanel the Advocate(s)/Law Firm(s) for representing IWAI in the different Court(s)/Tribunal(s) to protect its interest, rendering legal advice, drafting of petitions, vetting of legal documents etc.

Interested Advocates/Law Firms may submit their applications in the attached Performa (**Appendix 1 and 2 respectively**). The details of terms & conditions are as under:-

1. General

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

- i. 'Advocate' /'Law Firm' shall mean an advocate, entered in any roll of advocates under the provisions of Advocates Act(Section 25 of 1961).
- ii. 'Authority' shall mean Inland Waterways Authority of India as constituted under Section 3 of The Inland Waterways Authority of India Act, 1985.
- iii. The 'Competent Authority' shall be the Authority or any officer sodesignated by the Authority.
- iv. The 'Court' shall mean and include any Tribunals, Lower Courts, High Court, or Supreme Court.
- v. 'Effective Hearing' shall mean a hearing in which either one or bothor 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 judgment is pronounced, it would not constitute an effective hearing for the purposes of these guidelines.
- vi. In case of empanelment of Law Firms, all the terms and conditions for empanelment of the Individual Advocates shall apply mutatis mutandis to them.
- vii. 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 Authority keeping in view the urgency and importance of a particular matter. They shall be engaged on case to cases basis with the approval of the Competent Authority.

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2. Tenure/terms of Empanelment of Advocates and Law firms

The initial empanelment of the Advocate(s)/Law Firm(s) will be for a period of two years. However, on completion of the term and satisfactory performance of the advocate/law firm, the empanelment may be renewed for a further period as the Authority may decide. The Authority reserves the right to terminate the empanelment of any Advocate(s)/Law Firm(s) at any time without assigning any reasons. The Empanelment, however, shall not construe a right of work being signed to the Advocates/Law firms by IWAI and shall not make them entitled to any Retainership fee.

3. Eligibility for Empanelment of Advocates and Law firms

- i) The Advocate(s)/Law Firm(s) should be familiar with various branches of law especially those concerning Constitutional law, Civil law, Commercial law, Economic laws, Corporate law, Marine law, Environmental Law, Social Security Laws and Arbitration and Conciliation Laws other relevant laws relating to regulation.
- ii) In case of Law firms it shall be mandatory for them to ensure that the Advocate handling the case of IWAI, on behalf of the law firm, has at least a minimum adequate experience of 10 years in the Supreme Court, High Court, Lower Court as the case may be.
- iii) The Advocates are required to have the minimum professional/court practice /Arbitration experience of minimum 10 years for empanelment for various courts viz Supreme Court, High Court & Lower Court.

For considering the advocates and Law Firms for empanelment, those Advocates/Law Firms who are regularly practicing, including Advocates-on-Record of the Supreme Court and those before the High Court, Lower Courts and Tribunals would be considered, if they are otherwise found to be competent and suitable.

However, the Competent Authority reserves the right to relax, any or all of the above conditions, at its discretion.

4. Payment of Fee and other Conditions

The fee payable to the Advocates/ Law Firms shall be governed by the Schedule of Fee in the line of fee structure as followed by the Ministry of Law and Justice, Govt of India as given at **Appendix-3** with terms and conditions as amended from time to 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 Authority. While considering the

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request from the advocates, following points shall be considered: -

- i. Length of practice and specialization in the area of law concerning the Authority. Number of successful handling of court cases.
- ii. Proper and adequate infrastructure of an advocate/law firm, such as office premises, number of junior advocates, assistants, clerks, mobile phone, fixed phone, internet connection, etc.
- iii. Annual income-tax return filed with the Tax Authorities.
- iv. Track record and integrity.
- v. If considered necessary, an enquiry in the respective Bar Council/ Bar Association about the claims and conduct of the advocate/Law firm to be empaneled can also be made and credentials verified by IWAI.
- vi. If the advocate/Law firm is empaneled by other regulators/ organizations, opinion of those organizations may be obtained by IWAI.

The above list is illustrative and not exhaustive. The Competent Authority may also consider any other factor relevant for the said empanelment.

6. Documents to be obtained from the Advocate/Law Firm s

The Advocates/Law Firms will be required to furnish their Bio data as per the format given in **Appendix-1 and 2**. The attested copies of the following documents are required to be submitted with application:

- i. High School certificate in support of age in case of Advocates and Registration Certificate in case of Law Firms.
- ii. Registration with Bar Council in case of Advocates.
- iii. Identity card issued by Bar Association/ Bar Council in case of Advocates.
- iv. Copies of empanelment with other Organizations
- v. Certificates in support of educational qualifications of the Advocate.
- vi. An undertaking from the Advocate/Law firm to the effect that all information furnished by them is correct.
- vii. Certificate of Practice.

7. Communication of Empanelment

After a decision to empanel the advocate(s)/ Firm(s) is taken, a communication in writing to this effect shall be sent to the Advocate/Law Firm as per **Appendix-3**. The process of empanelment

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shall be complete when Authority receives an unconditional acceptance in writing from the Advocate/Law Firm.

8. Right to Private Practice and Restrictions

(i) An Advocate/Law firm 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 empaneled advocate /Law Firm of the Authority.

(ii) Law Firm/Advocate shall not advise any party or accept any case against the Authority in which he /they has/have appeared or is likely to be called upon to appear or advice.

(iii) 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 Authority arising in any court.

(iv) The Advocate or the Law firm represented by the advocate shouldnot have any of the regulated entity as their client during any time within a period of 5 years from the date of issue of this notice.

9. Disablements

Disablement on the part of the Advocate 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 priorwritten permission of the Authority;
- iii. Failing to attend the hearing of the case without sufficient reasonand prior information or

Not acting as per Authority's instructions or going against specificInstructions or

Not returning the brief when demanded or not allowing or evadingto allow its inspection on demand;

- iv. Misappropriation of the Authority's funds or earmarking the sametowards his fee without Authority's permission:
- v. Threatening, intimidating or abusing any of the Authority'semployees, 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 Authority's without permission,
- vii. Committing an act tantamounting to contempt of Court orprofessional misconduct;
- viii. Conviction of the Advocate in any offence resulting into arrest or detention or disbarment by the Bar Council;

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- ix. Passing on information relating to Authority's case on to the opposite parties or their advocates which is likely to cause damage to the Authority's interests;
- x. Giving false or misleading information to the Authority with regard to the proceedings of the case; and
- xi. Frequent adjournment being obtained or not objecting to the adjournment moved by other party without sufficient reason.

Empanelment shall be liable to be cancelled due to occurring of any of the above on the part of the Advocate.

10. Removal of Difficulty

In the matter of implementation of these guidelines, if any, doubt or difficulty arises regarding the interpretation of any of the clauses of these guidelines, the same shall be placed before the Authority and the decision of the Authority thereon shall be final.

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**SCHEDULE OF FEES FOR ENGAGEMENT OF COUNSELS/ ADVOCATES FOR AND
ON BEHALF ON INLAND WATERWAYS AUTHORITY OF INDIA**

Sl. No.	Particulars	Previous Rates (In .Rs.)		Approved Rates (In. Rs.)	
		Advocate	Sr. Advocate	Advocate	Sr. Advocate
1.	Fee for drafting Writ Petition plaint/Counter Affidavit /Written statement/Replication /Rejoinder	2000	5000	6000	9000
2.	Settlement of Writ Petition Plaint, Written Statement and Affidavits etc.	2000	5000	3000	6000
3.	Fee for drafting Misc. Application/interlocutory Applications etc.	600	1200	1000	1500
4.	Fees for appearance in court per day				
	a) For effective hearing*	2000	5000	3000	6000
	b) For non-effective hearing	50% of item no. 4(a)			
5.	Fee for briefing Sr. Advocates and Conference with him (Whenever required)	500	NA	750	900
6.	Fee for written opinion (inclusive of conference)	1500	3500	2250	3750
7.	Fee for conference/discussions (upto one hour)	500	1200	750	900
8.	Fee for drawing and proving Tender documents, Agreement, Deeds and similar legal document including Conference)	1500	3000	1500	3000
9.	Drafting and filing of Caveat Petition in any court	2000	5000	2000	5000
10.	Fee for injunction /declaration Property suits before Distt. Courts, Estate matter before State officer, Labour court/Tribunal matter, Central Admn. Tribunal	6000 (Lumpsum)		6000 (Lumpsum)	
11.	Recovery suit before District court/ original side High Court (Lumpsum Fee)				

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	Value of the Suit	Advocate	Sr. Advocate	Advocate	Sr. Advocate
a.	Upto Rs. 10,000/-	800	1400	800	1400
b.	Upto Rs. 25,000/-	2000	2500	2000	2500
c.	Upto Rs. 50,000/-	4500	6000	4500	6000
d.	Upto Rs. 1,00,000/-	6500	9000	6500	9000
e.	Thereafter Over Rs. 1,00,000/-	8500	14000	8500	14000
f.	Appeal arising out of the recovery suit	Half of fees as indicated in item No. 11 above subject to minimum of Rs. 1000/-		Half of fees as indicated in item No. 11 above subject to minimum of Rs. 1000/-	
12.	Miscellaneous				
A.	Clerkage	10% of the fee for individual items		10% of the fee for individual items	
B.	Out of Pocket expenses	Upto Rs. 200/- per day hearing without any bill		Upto Rs. 200/- per day hearing without any bill	

* Effective hearing means that the Counsel presented the case before the Judge on the date of hearing.

The Fee structure applicable to Assistant Solicitors General of Various High Courts, Central Government Standing Counsel of Delhi High Court (CGSC), Senior Central Government Standing Counsel (Sr. CGSC) of various Benches of CAT and Senior Panel Counsels in various High Courts/CAT Benches as per the following rates:-

Sl. NO.	Particulars	Approved Rates
1.	Suits, Writ Petitions and Appeals, including oral Applications for Leave to Appeal to Supreme Court in Writ Petitions.	₹ 9,000/- per case per day of effective hearing in case of non-effective hearing ₹ 500/- per day subject to a maximum of 5 Hearing.
2.	Application for Leave to Appeal to Supreme Court in Writ Petition.	₹ 3,000/- per case
3.	Settling Pleadings	₹ 3,000/-per case
4.	Miscellaneous Application	3,000/-per case
5.	Conference	₹ 900/- per conference subject to:- (i) for setting pleadings one conference (ii) In respect of hearing of Writ matters, Suits, appeals and Supreme Courts leave Application etc. Three conference(Maximum)
6.	Miscellaneous and out of pocket expenses	As per actual to the satisfaction Of the Administrative Ministry/ Department.

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Fee Structure for Arbitration matters

Sl. No.	Particulars	Approved Rates
1.	Appearance before the Arbitral Tribunal	Rs. 11,000/- per appearance per matter (in Delhi)
2.	Drafting and filing of Statement of Claim/Statement of Defense/Counter Claims	Rs. 44,000/-
3.	Drafting of All Other Miscellaneous Applications /Reply to Miscellaneous Applications/Interlocutory Applications / Reply to Interlocutory Applications	Rs. 11,000/- Per document
4.	Drafting and filing of Written Arguments	Rs. 44,000/-
5.	Consultation /Conference	
	A. In Our Office	Rs. 4400/- Per Hour
	B. Any Other Place	Rs. 4400/- Per Hour
6.	All Out of Pocket expenses	As per actuals

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