

**Telecom Regulatory Authority of India
New Delhi**

No. 11-48/2012-Legal

Dated 08th October, 2012

NOTICE

Empanelment of Advocates/Law Firms

The Telecom Regulatory Authority of India, a statutory body, intends to engage Advocates/Law Firms for representing TRAI before different Courts, rendering legal advice, drafting and vetting of petitions, appeals, replies etc. The interested persons / firms may submit their willingness in the prescribed proforma latest by **02nd November 2012** to the Advisor (Legal), Telecom Regulatory Authority of India, Mahanagar Doorsanchar Bhawan, Jawahar Lal Nehru Marg, Next to Zakir Husain College, New Delhi- 110 002. The details of the terms and conditions of engagement of Advocates/law firms are contained in the notice dated 08th October 2012 published on the website of the TRAI - www.trai.gov.in.

For any further information/query, Shri Amit Mohan Govil, Advisor (Legal) may be contacted over telephone No. (011) 23237024.

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New Delhi**

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NOTICE

Empanelment of Advocates/Law Firms

The Telecom Regulatory Authority of India intends to engage advocates/law firms for representing TRAI before different Courts, rendering legal advice, drafting of petitions and vetting of legal documents etc. The interested Advocates / law firms may submit their willingness in the enclosed proforma. The details of the terms and conditions of engagement of Advocate/law firms are as under :-

1. **Tenure of empanelment** : The initial employment of the Advocate/law firm will be for a period of one year and if the performance is found to be satisfactory by the Authority, the tenure of the Advocate/law firm may be extended for further period as the Authority may decide from time to time. However, the Authority reserves the right to terminate the empanelment of any Advocate/law firm at any time.

2. **Eligibility for empanelment** :

(a) The Advocate/law firm should possess adequate experience in handling cases pertaining to telecommunications and broadcasting and cable services in different

courts and should also be well versed with constitutional law and other relevant laws.

(b) The Advocate should have minimum professional experience as under :-

(i) For empanelment for Supreme Court of India - ten years experience in Supreme Court.

(ii) For empanelment for High Court or TDSAT and Sub-ordinate Courts - seven years experience in High Court / TDSAT.

However, the Authority reserves the right to relax the eligibility conditions in deserving cases.

3. Fees and other conditions :-

(a) Advocate / law firms should indicate the fees for their different professional services which shall be valid during the tenure of their engagement.

(b) The Advocate appearing for TRAI before any Court shall be entitled to claim full fees only in case of effective hearing. For non-effective hearing the Advocate shall be entitled for 1/4th of the fees.

(c) Where two or more cases involving substantially identical or similar questions of law or facts are heard together, the Advocate will be paid full fee in one case and 1/4th fee in the other cases.

(d) For cases listed before Registrar of High Court, Supreme Court, TDSAT, or any other Court/Tribunal 1/4th of the fees will be paid if the Advocate is required to appear.

(e) When the case is listed for hearing but adjournment is sought by TRAI, the Advocate will be entitled for 1/4th of the applicable fee only in one case irrespective of the number of cases listed for hearing. The fee payable for cases listed for notice or direction shall also be regulated in the similar manner.

(f) The Advocate should quote his fees for appearance in Delhi for different Courts and for appearance before Courts outside Delhi separately. The Advocate will be paid clerkage @ 10 % only for effective hearing. The miscellaneous expenses such as typing, photocopy, etc. will be paid on actual basis.

(g) For outstation appearance the expenses towards to and fro travel and boarding and lodging will be as under :-

(i) for Senior Advocate - journey by business class by air or first class by train and boarding and lodging as applicable to the officer of the rank of Secretary to the Government of India.

(ii) For other advocates - Journey by Economy class by air or by first class by train and boarding and lodging charges as applicable to the officer of the rank of Joint Advisor in TRAI.

(h) If the junior of the Advocate appears, one fourth of the fee will be paid.

(i) The Authority reserves the right to add or vary the terms and conditions when engaging the Advocate/law firm.

No fee shall be payable if advance notice of adjournment is received.

4. The empanelled Advocate/law firm shall ensure that, during their empanelment with TRAI, there is no clash of interest with TRAI vis-à-vis their other clients. The empanelled Advocate/law firms shall also not advise any party or accept any case against the Authority in which he has appeared or is likely to be called upon to appear or to give advice which is likely to lead to litigation against the Authority.

5 Effective hearing for the purpose of claiming appearance fee in a case means a hearing in which one or both the parties involved in a case are heard by the court. If the matter is called in its turn and the Counsel is present to represent the Authority and the Court/Tribunal listens to the submissions made by him or by other side or by both and if, thereafter, the Court/Tribunal adjourns the matter, that will be an effective hearing. If the case is mentioned and adjourned or only directions are given or only judgment is delivered by the Court/Tribunal, it would not constitute an effective hearing but will be termed as non-effective hearing.

6 In case the Advocate counsel is busy in one Court/Tribunal in connection with some case or cases of TRAI and after finishing his work in such Court/Tribunal, he joins during the course of an effective hearing of a case in another Court/Tribunal, the

counsel shall be entitled to full appearance fee for his appearance in the second Court/Tribunal in addition to the applicable fee for his appearance in the first Court/Tribunal. In case only the junior of the Advocate appears and takes note in such effective hearing, only 1/4th of the appearance fee shall be payable.

7 Whenever the Advocate is unable to appear in a Court/Tribunal for arguing the case on behalf of TRAI due to his pre-occupation in some other Court/Tribunal in connection with the case of some other client, the Advocate shall give advance intimation to TRAI so that TRAI may request another counsel to appear and argue in his place and, in such case, the appearance fee shall be paid to the other counsel actually appearing in the case.

8. No retainer fee shall be paid to any empanelled Advocate or law firm.

9. **Termination** :- The Authority may terminate the engagement by giving one month's prior written notice to the other party.

10. **General** :- The Advocate/law firm will be engaged by the Authority on case to case basis and the allocation of work will be decided by the Authority.

(a) The Advocate/law firm will take necessary steps to protect the interest of the Authority in matters entrusted to him from time to time.

(b) Empanelment does not confer any right or claim that the Advocate/law firm shall alone be entrusted with the work of the Authority.

(c) The Authority may, at any time, at its discretion, withdraw from the Advocate/law firm any proceedings/matter/brief.

(d) The Advocate/law firm shall keep Authority informed regarding the developments in the matters entrusted to him.

(e) Unless a case is specially assigned, the Advocate/law firm will not on its own receive Summons/Notices on behalf of the Authority and even if any summon/notice is received and no Vakalatnama is given by the Authority, the Advocate/law firm shall not otherwise deal with such cases and immediately inform the Authority in this regard.

(f) The Advocate/law firm shall not use Authority's name or symbol, logo in his letter heads, sign boards name plates etc.

(g) In case of any misconduct, the Authority will take appropriate action against the Advocate/law firm which includes filing complaint with Bar Council and recovery of financial loss caused to the Authority due to misconduct of the Advocate/law firm.

(h) In case of initiation of any disciplinary proceedings / criminal proceedings against the Advocate/law firm, the Authority may remove such Advocate/law firm from the panel without waiting for the conclusion of such proceedings.

11. The size of panel will be decided by the Authority from time to time based on the quantum of work. Refusal by any Advocate/law firm to accept any work otherwise on

the ground of conflict of interest may entitle removal of such Advocate/law firm from the panel. No empanelled Advocate/law firm shall contest any case against the Authority during their empanelment. The empanelled Advocate/law firm shall not delegate the case to any other Advocate or law firm. Empanelled Advocate shall not be treated as employee of the Authority and, therefore, shall not be eligible for any benefit available to its employees.

12. The empanelled Advocate/law firm shall maintain absolute secrecy and confidentiality about the cases of the Authority entrusted to it.

13. The Authority reserves the right to engage any other Advocate/law firm or Government law officers for any case.

14. The empanelment of any Advocate/law firm shall be at the sole discretion of the Authority and no person shall have any claim for being empanelled.

15. The interested Advocate may submit their willingness in proforma at Annexure 'A' and the law firm may submit their willingness in proforma at Annexure 'B'.

FORMAT OF BIO DATA FOR ADVOCATE

- 1) Name of the Advocate
- 2) Date of Birth,
- 3) Educational Qualifications
- 4) Date of enrolment and the name of the Bar Council
- 5) Period of practice
- 6) Details of experience/practice
- 7) Area of practice
- 8) Specialization, if any (constitution/telecommunication/taxation/services etc)
The details of a few important cases the Advocate has dealt with/handled and reported Judgment, if any.
- 9) Brief list of clients e.g. Govt./organizations/Commissions/PSUs
- 10) The courts where the Advocate is regularly practicing (Enclose Bar Association Membership Certificate)
- 11) Date of enrolment as an Advocate - on - record of the Supreme Court and Registration No.
- 12) Income Tax PAN number
- 13) The details of fees for different professional services (fees may be quoted as per the terms and conditions stipulated in this notice).
- 14) Experience in telecommunication matters.

A brief note on suitability for empanelment.

Declaration

I declare that I have never been penalized by any Bar Council in any disciplinary proceedings. I also undertake to maintain absolute secrecy about the cases of the Authority.

Signature of Advocate

Address (office & residence/chamber)

Tel. No.-----

Mobile No.-----

Fax No.-----

E-mail.-----

FORMAT OF BIO DATA FOR LAW FIRM

- 1) Name of the law firm
- 2) Date of registration of the firm
- 3) Details of experience
- 4) Area of practice
- 5) Specialization, if any (constitution/telecommunication/taxation/services etc)
The details of a few important cases the firm has dealt with/handled and reported Judgment if any.
- 6) Brief list of clients e.g. Govt./organizations/Commissions/PSUs
- 7) The courts where the Advocates of the firm are regularly practising
- 8) Date of enrolment as an Advocate - on - record of the Supreme Court and Registration No. (If having AOR in the firm)
- 9) Name of the Advocate, period of practice, details of important cases handled and details of telecom and broadcasting and other regulatory matters dealt by the Advocate.
- 10) Income Tax PAN number
- 11) The details of fees for different professional services (fees may be quoted as per the terms and conditions stipulated in this notice).
- 12) Experience in telecommunication matter

A brief note on suitability for empanelment.

Declaration

I/We declare that I/We have never been penalized by any Bar Council in any disciplinary proceedings. I/We also undertake to maintain absolute secrecy about the cases of the Authority.

Signature of the authorized representative of the Law Firm

Address (office & residence/chamber)

Tel. No. -----

Mobile No.-----

Fax No.-----

E-mail.-----