



**AGRICULTURAL AND PROCESSED FOOD
PRODUCTS EXPORT DEVELOPMENT
AUTHORITY (APEDA)**

MINISTRY OF COMMERCE & INDUSTRY, GOVERNMENT OF INDIA
3rd Floor, NCUI Building 3, Siri Institutional Area,
August Kranti Marg, New Delhi-110016



CALL FOR APPLICATIONS FOR EMPANELMENT OF ADVOCATES/LAW FIRMS WITH APEDA

The Agricultural and Processed Food Products Export Development Authority (APEDA) is an autonomous organisation established by the Government of India under the Agricultural and Processed Food Products Export Development Authority Act, 1985. APEDA has been established for the development and promotion of exports of certain agricultural and processed food products and for matters connected therewith. For further details about the work undertaken by APEDA, please visit APEDA's official website: <https://apeda.gov.in/>.

APEDA seeks to empanel eligible advocates/law firms on contractual basis for handling APEDA's cases before the Supreme Court, High Courts, District Courts, tribunals, and other forums related to different areas of law such as Intellectual Property Law, Contract Law, Labour and Employment Law, Arbitration, Corporate Law, and Constitutional Law. This Notice lays down APEDA's empanelment guidelines such as the eligibility criteria, tenure of empanelment and the general terms and conditions applicable to the empanelled advocates/law firms.

The advocates/law firms who are currently empanelled with APEDA must apply afresh according to the guidelines in this Notice. While such advocates/law firms would cease to be empanelled with APEDA once the new panel of advocates/law firms is finalised, they would continue to handle the existing cases that have already been allotted to them, until further instructions.

Note: This Notice supersedes the earlier Notice ("Notice Inviting Applications for Empanelment of Advocates/Law Firms for Legal Services to APEDA") published on 04.02.2022 in national newspapers, namely "The Economic Times" and "Navbharat Times", and on APEDA's official website. It may be noted that the previous notice dated 04.02.2022 STANDS CANCELLED AS WITHDRAWN.

Guidelines for empanelment of advocates/law firmsfor representing APEDA

The purpose of these guidelines is to regulate the procedure for empanelling advocates/ law firms with APEDA.

1. Definitions

- i. 'Advocate' means an advocate, entered in any roll of Advocates under the provisions of the Advocates Act, 1961.
- ii. 'Competent Authority' shall be the Chairman of APEDA or any other officer designated by the Chairman.
- iii. 'Court' shall mean all courts of law including Supreme Court, High Courts, District Courts, tribunals, and other relevant forums.
- iv. 'Effective Hearing' shall mean a hearing in which either one or both the parties involved in a case are heard by the court. If the case is mentioned and adjourned or only directions are given or only judgment is delivered by the Court, it would not constitute an effective hearing but will be termed as non-effective hearing.¹
- v. 'Identical Cases' shall mean two or more cases in which substantial identical questions of law or facts are involved etc. and where the main difference is in the names, addresses of the parties concerned, amount of money involved etc. and where common or identical judgements are delivered irrespective of the fact that all the cases are heard together or not.²

2. Eligibility Criteria

- i. The advocate must possess a graduate or a postgraduate degree in law from an educational institution, recognised by the Bar Council of India.
- ii. The advocate must be enrolled with a State Bar Council in India.

¹Based on the definition given in the Office Memorandum, dated 18.03.2008, issued by the Department of Law, Justice and Legal Affairs.

²Based on the definition given in the Office Memorandum, dated 18.03.2008, issued by the Department of Law, Justice and Legal Affairs.

- iii. The advocate should be currently empanelled with one or more Central/State Government Departments/autonomous bodies/ Public Sector Undertakings/ Public Sector Banks/ Public Financial Institutions/local bodies/ statutory authorities.
- iv. The advocate should be familiar with the different branches of law, especially those concerning laws of regulatory matters related to constitutional/service law, labour law, contract law, commercial law, property laws, arbitration, and taxation.
- v. The advocate must have at least five(5) years of experience as a practising advocate. In case of a law firm, the senior-most advocate/partner/associate of the firm must have at least ten(10) years of experience as a practising advocate.
- vi. The advocate should have the adequate setup/infrastructure (such as an independent office with library and clerical staff) to deal with the matters.
- vii. The advocate should have excellent communication skills, including the ability to both write clearly and speak fluently in English.
- viii. The advocate should be currently practising in the relevant fields.
- ix. The advocate should be able to provide the copies of the Income Tax Returns (ITR) filed for the last 2 (two) financial years.
- x. In case of exceptional candidates, the Competent Authority has the discretion to relax any of the above eligibility criteria.
- xi. In case of empanelment of law firms, the eligibility criteria for empanelment of the individual advocates shall apply mutatis mutandis to them.

3. Tenure of Empanelment

- i. Selected advocates/ law firms shall be initially empanelled for a period of two years or until further orders, whichever is earlier.
- ii. The services of the empanelled advocates/law firms will be availed on a case-by-case basis according to the fee schedule in Annexure C.
- iii. The performance of the empanelled advocates/law firms will be reviewed annually by the Competent Authority.

- iv. APEDA has the discretion to renew the empanelment of an advocate/law firm, subject to the performance of such advocate/law firm being satisfactory.
- v. APEDA reserves the right to terminate the empanelment of any advocate/law firm at any time.

4. General Terms and Conditions Applicable to Empanelled Advocates/Law Firms

- i. The advocate will usually be engaged in cases where APEDA is a necessary party.
- ii. Where APEDA is a proforma party in a matter before any court, an advocate may be engaged in exceptional cases, if deemed necessary by the Competent Authority.
- iii. The advocate will not be empanelled for any specific court.
- iv. Without a reasonable cause, the advocate will not refuse to accept any work.
- v. The advocate is expected to deal with the cases themselves, without delegating the cases assigned to them.
- vi. The advocate will coordinate and work with the designated Senior Advocates engaged in the case, if any.
- vii. The advocate will coordinate and work with the officers of APEDA, if required.
- viii. The advocate is not considered an employee/ staff member/ official of APEDA and shall therefore not be eligible for any benefits available to APEDA's employees.
- ix. The advocate shall maintain secrecy and confidentiality regarding APEDA's legal matters.
- x. The advocate shall not use the name, emblem, or official seal of APEDA, or any abbreviation of the name of APEDA, in connection with the advocate's business or otherwise, without the written permission of APEDA.
- xi. An advocate shall have the right to private practice which should, however, not interfere with or conflict with the efficient discharge of their duties as an empanelled advocate for APEDA.
- xii. The empanelment of an advocate shall be cancelled in case of the following:
 - a. Giving false information in the application for empanelment;

- b. Sharing the brief of any matter of APEDA with another advocate without the prior written permission of APEDA;
 - c. Failing to attend the hearing of the case without any sufficient reason and/or prior intimation;
 - d. Not returning the brief when asked or denying or evading its inspection on demand;
 - e. Misappropriating APEDA's funds or using the same towards fee without APEDA's permission;
 - f. Threatening, intimidating, or abusing any of APEDA's employees, officers, or representatives;
 - g. Making any of their associates or juniors appear on behalf of any of the opposite parties in any case related to APEDA;
 - h. Committing an act that amounts to contempt of court or professional misconduct;
 - i. Being found guilty of any offence resulting in the advocate's arrest or detention or disbarment by the Bar Council;
 - j. Passing information relating to APEDA's case to the opposite parties or their advocates or any third party, which is likely to cause any damage to APEDA's interests;
 - k. Giving false or misleading information to APEDA relating to the proceedings of the case;
 - l. Seeking frequent adjournments or not objecting to the adjournment moved by other party without sufficient reason; and
 - m. Advising any party or accepting any case against APEDA.
- xiii. If considered appropriate by the Competent Authority, the Attorney General of India/Solicitor General of India/Additional Solicitor General/Advocate General/Senior Advocates may be engaged to argue cases on behalf of the APEDA. While the fees for such engagement may be decided by the Competent Authority based on the merits of each case, all other terms and conditions shall apply to such persons.
- xiv. In case of empanelment of law firms, all the terms and conditions for empanelment of the individual advocates shall apply mutatis mutandis to them.

5. Payment of fee and other conditions

- i. The fees for the services of the empanelled advocate/law firm are payable as per the fee schedule in Annexure C.
- ii. The fee schedule may be revised by APEDA, if deemed necessary.

- iii. Any other expenses incurred by the advocate/law firm shall be reimbursed on actual basis on production of supporting documents.
- iv. The advocate/law firm shall not be paid any additional fees for providing legal opinion pertaining to the result of a case where they have represented APEDA.
- v. In exceptional cases, the Competent Authority shall have the right to approve the payment of a fee higher than that mentioned in the annexed schedule, keeping in view the importance of the matter and the efforts put in by the advocate in a particular case.

6. Submission of Applications

- i. Applications in the prescribed format (given in Annexure A) are invited in a sealed envelope superscripted as **<Application for empanelment of Advocates/Law Firms with APEDA>**.
- ii. The sealed envelope containing the application along with the duly signed enclosures should be submitted by post or delivered in person by the application deadline to:

**The Secretary, APEDA
3rd Floor, NCUI Building, 3, Siri Institutional Area
August Kranti Marg, New Delhi - 110016.**

- iii. The application deadline is **18.4.2024, 5:00 PM**.

7. Documents required to be submitted with the Application

The self-attested copies of the following documents are required to be submitted with the application:

- a. Certificate of Registration with State Bar Council (of partners/ associates in case of a law firm)
- b. Experience certificate along with details of the major cases handled
- c. Copies of empanelment letter(s) issued by other organisations
- d. Income Tax Returns for the last two financial years
- e. Any other supporting documents, if required

8. Process after submission of Applications:

- i. Applications received after the application deadline will not be considered.
- ii. APEDA is not responsible for the non-receipt of application by the application deadline due to any reasons including postal delays or holidays in between.
- iii. All applications received by the application deadline will be examined by APEDA to determine if the applications are complete and if they meet the requirements mentioned in this Notice (including its subsequent amendments, if any).
- iv. On scrutiny, any application found to be incomplete or failing to fulfil the relevant requirements in this Notice will be rejected.
- v. APEDA reserves the right to relax/waive any of the requirements for empanelment, if deemed necessary.
- vi. The applications, which meet the eligibility criteria, will be evaluated based on the scoring pattern given in Annexure B.
- vii. The shortlisted applicants would be invited for a personal interaction or presentation before the Selection Committee of APEDA.
- viii. During the selection process, APEDA may conduct an enquiry from the respective Bar Council about the applicant.
- ix. During the selection process, APEDA may also consult those organisations with whom the applicant is currently empanelled or with whom the applicant has been previously empanelled.
- x. When deciding whom to empanel, preference may be given to those applicants who have prior experience of handling cases of Government Departments.
- xi. APEDA reserves the right to accept or reject any or all applications without assigning any reason.
- xii. APEDA reserves the right to determine the size of the panel from time to time depending on the requirement and the quantum of work.
- xiii. Applying for empanelment with APEDA does not create any right/assurance that the applicant would be empanelled with APEDA.

- xiv. Once APEDA decides to empanel an applicant, it shall communicate the decision in writing. The applicant shall acknowledge the communication. The empanelment would be considered complete only after APEDA receives the applicant's acceptance (to be empanelled) in writing.
- xv. Any effort on the part of an applicant to influence the selection process will result in rejection of the application.
- xvi. If there arises any doubt/difficulty with respect to the interpretation of any guideline, the same shall be placed before Chairman, APEDA, and his decision in this regard shall be final and binding.
- xvii. Disputes, if any, in relation to the empanelment process shall be subject to the exclusive jurisdiction of the courts of New Delhi.

ANNEXURE A
Application Format

S.No.	Details	
1	Name of the advocate/law firm (with name of authorised person)	
2	Name of active Partners/ Associates (in case of law firm)	
3	Nationality	
4	Office Address	
5	Phone Number	
6	EmailID	
7	Enrolment No. and name of the Bar Council where enrolled (enclose copy of enrolment/registration certificate of each advocate)	
8	In case of law firm, date of establishment/ formation of the law firm(enclose documentary evidence)	
9	PAN No. of the advocate / law firm	
10	GST Registration No. (if applicable)	
11	Details of experience/ specialisation (enclose supporting documents)	
12	Court(s) where advocate/ law firm has been regularly practising a) Period of practice b) Area of practice	

13	Organisations with which applicant is currently empanelled (especially Govt. organisations/ PSUs/ Commissions/ Autonomous Authorities) (enclose documentary evidence)	
14	ITRs for the last 2 financial years (enclose documentary evidence)	
15	Number of cases handled in the relevant areas of practice	
16	Has the applicant ever been convicted under any law? (If yes, please provide details.)	
17	Is any criminal case pending against the applicant? (If yes, please provide details.)	
18	Any other relevant information (Separate sheet may be attached, if required)	

Declaration

I/We hereby declare and confirm that all the information provided above is true and nothing has been concealed. I/ We have never been penalised by any Bar Council in any disciplinary proceedings. I/We agree to abide by the general terms and conditions and other stipulations mentioned in this Notice. I/We also undertake to maintain strict confidentiality about the work assigned by APEDA. I/We further understand that if at any time, I/we am/are found to have concealed/distorted any material information or done any act or omission against the interest of APEDA, my contract shall be summarily terminated without any notice to me/us.

Signature of Advocate
(Signature of Partner, in case of law firm)

Place:

Date:

E-mail ID:

Address:

Tel. No.:

Mobile No.:

ANNEXURE B
Scoring Pattern

S.No.	Parameters	Score	Maximum Marks
1	Personal Interaction/Presentation	30	30
2	Litigation Experience		
	5years to 7years (10 years to 12 years in case of senior-most advocate/partner/associate of the firm)	10	20
	More than 7 years but less than 10years (More than 12 years but less than 15 years in case of senior-most advocate/partner/associate of the firm)	15	
	10years or more (15 years or more in case of senior-most advocate/partner/associate of the firm)	20	
3	Current Empanelment		
	1 to 2 organisations	10	20
	3 to 5 organisations	15	
	More than 5 organisations	20	
4	Average Annual Income as per last 2 years' ITR		
	10 to 15 lakhs	20	30
	More than 15 lakhs but less than 20 lakhs	25	
	20 lakhs or more	30	
	Total Marks		100

ANNEXURE C
Fee Schedule

A. Cases in the Supreme Court

S. No.	Item of work	Fees
1	All Regular Appeals and defended Writ Petitions (for final hearing)	Rs.9000/- per case per day
2	All defended Admission matters (SLP/TP and writ petitions and other misc. matters for admission)	Rs.4500/- per case per day
3	Drafting SLP/ Counter Affidavit/ Rejoinder etc.	Rs.3000/- per case
4	Drafting written submissions	Rs.3000/- per case
5	Drafting or Appearance in Miscellaneous Applications (including mentioning of the case/ Caveat/ Clearance/ obtaining the number and taking date for hearing)	Rs.3000/- per case

B. Cases in High Courts

S. No.	Item of work	Fees
1	Suits, writ petitions and appeals including oral applications for Leave to Appeal to Supreme Court in Writ Petitions	Rs.9000/- per case per day of effective hearing. In case of non-effective hearing, Rs.1500/- per day subject to a maximum of five hearings
2	Applications for Leave to Appeal to Supreme Court in Writ Petitions	Rs.3000/- per case
3	Settling pleadings	Rs.3000/- per case
4	Miscellaneous Application	Rs.3000/- per case
5	Conference	Rs.900/- per conference, subject to: (i) For settling pleadings—One Conference

		(ii) In respect of hearing of Writ matters, suits, appeals and Supreme Court's Leave Applications etc. —Three Conferences (maximum)
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C. Cases in District Courts/other forums

S. No.	Item of work	Fees
1	Fee for effective hearing	Rs.1800/- per day
2	Fee for non-effective hearing	Rs.600/- per day (not more than 5 such hearings in a case)
3	Fee for drafting written statement, grounds of appeal etc.	Rs.1500/- per pleading
4	Fee for drafting other pleadings of misc. nature	Rs.600/- per pleading
5	Fee per conference	Rs.900/- (subject to maximum of 5 such conferences in a case/group of identical cases)
6	Expenses for stay in hotels	Rs.1800/- per day
7	Fee for identical cases	Full fee in the 1 st case and Rs.750/- per suit for connected cases (max. 3 cases)

NOTE: If the fee for any item of work is not covered in the Fee Schedule in Annexure C, the rates would be applicable as per the rates notified by the Ministry of Law and Justice, Department of Legal Affairs, Judicial Section, Government of India.