

National High Speed Rail Corporation Limited (NHSRCL)
(A JV company between Government of India and Participating State Governments)
2nd Floor, Asia Bhawan, Sector – 9, Dwarka, New Delhi – 110077
Tel no: 011-28070000; CIN: U60200DL2016GOI291002

EOI No. NHSRCL/CO/CS/EOI-ELC/2018/15

16.11.2018

Sub: Expression of Interest (EOI) For Empanelment of Legal Consultants to Conduct and undertake Legal work on behalf of NHSRCL, including but not limited to representation in any court of law, drafting / vetting of documents, legal opinion, etc.

National High Speed Rail Corporation Limited (NHSRCL) invites sealed expression of interest (EOI) in prescribed format from interested Indian legal consultants / Advocates / Law Firms for empanelment.

The EOI Document containing the details of qualification criteria, submission requirement, brief objective & scope of work and method of evaluation etc. is **attached**. However, the EOI is not an offer and is issued with no commitment.

The response to this EOI can be submitted in sealed envelopes super scribed with "For Empanelment of Legal Consultants" in prescribed format latest by 3rd December 2018 at 15.00 hours to National High Speed Rail Corporation Limited (NHSRCL), 2nd Floor, Asia Bhawan, Road no. 205, Dwarka Sector 9, New Delhi- 110077.

The above dates, if necessitated, may be changed and any notification for the changed dates will be available on the above said website and the agencies, therefore, are advised to follow up the website regarding revised schedule, if any.

EOI received after the stipulated date and time of submission of EOI shall be summarily rejected.

S /d–

Company Secretary,
National High Speed Rail Corporation Limited,
2nd Floor, Asia Bhawan, Road No.205,
Sector–9, Dwarka, New Delhi–110077.



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I. BRIEF ABOUT NHSRCL:

National High Speed Rail Corporation Limited (NHSRCL) a government company was incorporated with the object to plan, design, develop, build, commission, maintain, operate high speed rail services between the States of Maharashtra and Gujarat and / or for any other area either on its own or by taking other or leasing or otherwise on any other model and build new transit routes of any mode or a combination of modes with all attendant infrastructural facilities. The Company is a joint venture between Government of India (GOI), Government of Gujarat (GOG), and Government of Maharashtra (GOM) with equity participation of 50:25:25 respectively.

II. SCOPE OF WORK:

To assist the Company in all legal matters including litigation, advisories, vetting of documents/ agreements/ deeds etc., transactional advisories and other ancillary works.

III. CATEGORIES OF EMPLANELMENT:

The empanelment would be in two categories viz. category A {for Senior advocates/ firms} and Category B {for Junior advocates/ firms} **for each of the three regions i.e. NCT of Delhi, Gujarat, and Maharashtra.**

IV. ELIGIBILITY CRITERIA:

Essential Qualification for both Categories A and B:

1. LL.B from a University recognized by Bar Council of India.
2. The Law firm/ Advocates should have adequate experience in litigation as well as advisories in matters pertaining to Contracts, Land Acquisition matters and Compensation thereto, Labour Laws, constitutional laws, Indian Railways Act and other related allied acts, etc.
3. Law firm must be registered under the Statutes of India.
4. Law firm/ Advocate must not have been debarred (ref.: Sl. No. X of this EOI)
5. An experience in handling above said advisory as well as litigation work in the State (for which applying).



Desirable:

1. For empanelment in category A, advocate/ at least one of the partner of the law firm should be either Advocate on Record or designated as Senior Advocate. The firm/ advocate shall attach list of Partners/ lawyers along with their details of Qualification, experience, registration numbers etc., along with their submissions to NHRCL towards the bid. Failure to do so, may lead to bids being rejected.
2. Existing empanelment with any Government Company/ PSUs/ any Department of Centre or State Governments would be desirable.
3. Applicant law firm/ Advocate should be a regular taxpayer of all taxes as applicable to them (please attach copies of Chartered Accountant certified certificates/ audited balance sheet and profit & loss & A/c / IT returns for last 3 years).

Experience:

	<u>Category A</u>	<u>Category B</u>
<u>Post-Qualification Minimum experience as follows:</u>	<u>6 to 12 years</u>	<u>3 to 5 years</u>
* For Advisory Work	10 years	3 years
* For Supreme Court/ High Courts/ Tribunals	12 years	5 years
* For Subordinate Courts	6 years	3 years

Correspondence with applicant:

Except as provided in EOI, NHRCL shall not entertain any correspondence with any applicant in relation to the acceptance or rejection of any application. NHRCL at its sole discretion and without incurring any obligation or liability, reserves the right, at any time to:

1. suspend and / or cancel the EOI process and / or amend/ supplement the EOI process or modify the dates or other terms & conditions relating thereto;
2. consult any applicant in order to receive clarification or further information;
3. empanel or not to empanel any applicant;
4. retain any information and /or evidence submitted to the NHRCL by, on behalf of, and/ or relation to any applicant;
5. independently verify, disqualify, reject and / or accept any and all submissions or other information and/ or evidence submitted by or on behalf of any applicant.

V. FEES:

The schedule of fee payable for services rendered shall be applicable as given in the attached **Annexure – II**. It may please be noted that the Schedule of Fees as given in the **Annexure – II** is fixed.

VI. EVALUATION METHODOLOGY:

The application would be evaluated as per the following selection criteria:



A. For Law firms

Sl. No.	Criteria	Marks – Category A	Marks – Category B
1	Post-Qualification Experience of advocates associated with law firm in the relevant field	9 marks for each advocate having experience of 7 years in the relevant fields. In addition, 2 mark for each additional year of experience over and above 7 years. Subject to a maximum overall marks of 36.	9 marks for each advocate having experience of 3 years in the relevant fields. In addition, 2 mark for each additional year of experience over and above 3 years. Subject to a maximum overall marks of 36.
2	Associated Advocates on record or designated Senior Advocates	4 marks.	--
3	Existing empanelment with any Government Company/ PSUs/ any Department of Centre or State Governments/ Govt. Bodies.	5 mark for each such empanelment subject to a maximum overall marks of 20.	5 mark for each such empanelment subject to a maximum overall marks of 20.
4	Worked with any Government Company/ PSUs/ any Department of Centre or State Governments / Govt. Bodies	2 marks for each Government Company/ PSUs/ any Department of Centre or State Governments / Govt. Bodies subject to a maximum overall marks of 12.	2 marks for each Government Company/ PSUs/ any Department of Centre or State Governments / Govt. Bodies subject to a maximum overall marks of 12.

B. For Individual advocates:

Sl. No.	Criteria	Marks – Category A	Marks – Category B
1	Experience of Advocate in relevant field	12 marks for having 7 years' experience. In addition, 2 mark for each additional year of experience over and above 7 years Subject to a maximum overall marks of 36.	12 marks for having 3 years' experience. In addition, 2 mark for each additional year of experience over and above 3 years Subject to a maximum overall marks of 36.
2	Advocate on record or designated Senior Advocates	4 marks	



3	Existing empanelment with any Government Company/ PSUs/ any Department of Centre or State Governments / Govt. Bodies	5 mark for each such empanelment subject to a maximum overall marks of 20.	5 mark for each such empanelment subject to a maximum overall marks of 20.
4	Worked with any Government Company/ PSUs/ any Department of Centre or State Governments / Govt. Bodies	2 marks for each Government Company/ PSUs/ any Department of Centre or State Governments / Govt. Bodies subject to a maximum overall marks of 12.	2 marks for each Government Company/ PSUs/ any Department of Centre or State Governments / Govt. Bodies subject to a maximum overall marks of 12.

Note:

- Relevant field here means areas as defined/ mentioned in the Eligibility Criteria at sl. No. IV above.
- Documentary evidence(s), as stated in the application format, in support of criteria mentioned above is required to be submitted, without which the application may be summarily ignored for evaluation.

VII. TERMS AND CONDITIONS:

- Applicant can apply in only one of the Categories i.e. either A or B. In case, application is received for empanelment in both categories i.e. category A and B, the same is liable to be rejected summarily without considering for any of the category.
- The empanelment would be initially for a period of two year(s).
- The Company reserves the right to empanel or not to empanel any advocate / law firm or to request additional documents or clarification from applicants at any stage or to cancel the process entirely at its sole discretion without assigning any reason whatsoever.
- The Company also reserves the right to assign the work to any empaneled law firm / advocate at its sole discretion without assigning any reason whatsoever.
- The Company reserves the right to verify the work claimed to be done by the applicant.
- Mere submission of application does not entitle an applicant for empanelment or confer any right to the advocate / law firm to receive any work from NHRCL.
- Overwriting/ correction/ erase and/ or use of white ink should be avoided. However, if any overwriting/ correction/ erase is inevitable, the same should be authenticated with the signature and seal of legal consultant/ advocate / authorized person of law firm.
- The application once submitted shall not be withdrawn.



9. In case of any dispute remaining unresolved, decisions of NHRCL shall be final and binding.
10. The Law firms/ Advocate shall be solely responsible for the correctness of the details provided in the application and in case of misrepresentation noticed at any time, the law firm/ advocate, is liable to be removed from the list of empanelment and the cases in hand may be withdrawn and the law firm/ advocate is liable to be debarred for two years from the entrustment of any work by NHRCL.
11. NHRCL reserves the right to allot matters/ cases to the law firm(s) /advocate(s) from the empaneled list or outside the list, at its sole discretion, keeping in view the urgency and importance of a particular matter.

VIII. RENEWAL OF TENURE:

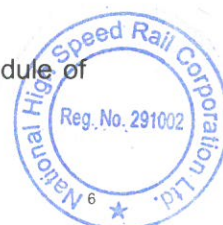
The tenure of empaneled Advocates/ Law firms may be renewed, depending upon their performance and requirement of the Company. However, it is expressly stated here that the Company reserves the right not to empanel any legal consultant/ advocate / law firm or renew its period at any time without assigning any reason therefor.

IX. COMPLIANCE CERTIFICATE BY ADVOCATE / LAW FIRM:

(At the time of submission of application as well as at the time of empanelment):

The advocate/ law firm and his team shall comply with the following conditions:

1. Shall not sub-contract/ assign the work.
2. Will work in strict confidence and must ensure that the data (legal or otherwise), statement, information in respect of the operation of the location / work center/ legal agreements or documents / pleadings/ etc. is dealt with in strict confidentiality and secrecy. The empaneled law firm/ advocate will also have to sign a Non-Disclosure Agreement with NHRCL.
3. Should abide by advocate client privileges.
4. Submit a certificate of Independence confirming that:
 - a) No partner of the law firm is related to any of the Key Managerial Personnel/ or any Whole Time or Part Time Directors of the Company.
 - b) Neither the advocate / law firm nor its partner(s) or associates is having any interest in the business of the Company.
5. Advocate(s) / member(s) of law firm were never been penalized by the Bar Council of India or any other state bar council or any other Government Authorities in any disciplinary proceedings.
6. Should not have been blacklisted by any Central Govt. / State Govt. / Government Company/ PSU/Govt. Bodies.
7. Accept and will provide their services as per the above mentioned schedule of Fee of NHRCL.



Private practice and restrictions:

8. 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 of NHSRCL (Conflict of Interest).
Further, the law firm/ advocate shall ensure that during their empanelment with NHSRCL, there is no conflict of interest with NHSRCL vis-à-vis their other clients. The empaneled law firms/ advocates shall also not advise any party, render any legal opinion or accept any case against NHSRCL in which he has appeared or is likely to be called upon to appear or give advice or render any such service (as indicated in scope of work and at sl. No. IV above), which is likely to lead to a situation of conflict with the interest of NHSRCL and / or compromises the position of NHSRCL legally or otherwise.
9. Shall not advise any party or accept any case against NHSRCL or cases against its interest of any nature whatsoever.
10. Shall not entertain any case against NHSRCL arising out of any court.
11. 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 NHSRCL or impinging on its interest of whatsoever nature arising in any Court.
12. The law firm / advocate will be engaged by NHSRCL on case to case basis and the allocation of work will be decided by NHSRCL.
13. The law firm / advocate will take necessary steps to protect the interest of NHSRCL in matters entrusted to it from time to time.
14. Empanelment does not confer any right or claim that the law firm / advocate shall alone be entrusted with the work of NHSRCL.
15. NHSRCL may, at any time, at its discretion, withdraw from the law firm / advocate any proceedings/ matter /brief.
16. The law firm/ advocate shall keep NHSRCL informed regarding the developments in the matters entrusted to it.
17. Unless a case is specially assigned, the law firm / advocate will not on its own receive Summons/ Notices on behalf of NHSRCL; and even if any summon/ notice is received and no Vakalatnama is given by NHSRCL, the law firm shall not otherwise deal with such cases and immediately inform NHSRCL in this regard.
18. The law firm / advocate shall not use the Company's name or symbol, logo in its letter heads, sign boards, name plates, advertisements, websites, etc., without explicit permission of NHSRCL.

X. DEBARRING PROVISIONS OR REMOVAL FROM PANEL:



The advocate / law firm will be debarred from empanelment, present and /or in future, in NHSRCL, if:

1. obtains the empanelment on the basis of false information / mis-statement.
2. does not take up work in terms of empaneled letter.
3. Handing over the brief of matter to another advocates / law firms without prior written permission of NHSRCL.
4. fails to abide by advocate client privileges.
5. fails to maintain/ honor confidentiality and secrecy of the Company's data, statement and any other information.
6. fails to attend the hearing of the case without sufficient reason and prior information to the Company.
7. passing of information relating to NHSRCL's case to opposite party or their advocates, etc. which is likely to damage or cause damage to the Company's interest, legal or otherwise.
8. giving false and/or misleading information to the Company relating to the proceedings of the case.
9. threatening and/or intimidating and/or abusing any of the employees or officers or representatives of the Company.
10. Not returning the brief when demanded or not allowing or evading, to allow its inspection on demand.
11. Misappropriation of NHSRCL's funds or earmarking / using the same towards his fee without NHSRCL's permission.
12. committing an act tantamount to contempt of court or professional misconduct.
13. Making any of his associates or juniors to appear on behalf of any of the opposite parties in cases/ appeal related to NHSRCL's without prior permission.
14. conviction of the advocate in any offence resulting into arrest or detention due to moral turpitude or detention or disbarment by the Bar council;
15. not acting as per NHSRCL's instruction or going against specific instructions.
16. Frequent adjournment being obtained or not objecting the adjournment moved by other party without sufficient reason.
17. Empanelment shall be liable to be cancelled consequent upon occurring of any of the above said conditions.
18. Where there is any indication that a conflict of interest exists or may arise, it shall be the responsibility of the advocate/ law firm to inform NHSRCL, detailing the conflict in writing as an attachment to its Bid.
19. NHSRCL will be the final arbiter in cases of potential conflicts of interest. Failure to notify NHSRCL of any potential conflict of interest will invalidate the bid..

XI. MISCELLANEOUS TERMS



1. The applicant should sign & stamp in all pages of EOI document (including annexures) and submit along with a duly filled and signed application in **Annexure I** in a sealed envelope super scribed with "For Empanelment of Legal Consultants" at following address by post/ speed post/ in person on or before 3rd December 2018 latest by 15:00 hours to National High Speed Rail Corporation Limited, 2nd Floor, Asia Bhawan, Sector – 9, Dwarka, New Delhi – 110077, Ph. No. 011 – 28070000.
2. NHSRCL does not take any responsibility for loss of application in transit.
3. Name & Address of the advocate / law firm must also be mentioned on the body of envelope. Application submitted in any other form / mode and after 15:00 hours on 3rd December 2018 shall not be considered and would be rejected outrightly.
4. Format (Annexure I) of application must be completely filled in. Incomplete application will be rejected outrightly.
5. NHSRCL shall notify the successful advocate / law firm in writing by a Registered Letter/Courier/ Speed Post/FAX or per bearer that his EOI has been accepted.



Annexure – I

Application format (On letter head of Advocate / Law Firm)

Empanelment for Category (Please tick ✓):

Category A	<input type="checkbox"/>
Category B	<input type="checkbox"/>

Empanelment For State (Please tick ✓):

Delhi	_____
Gujarat	_____
Maharashtra	_____

A. For Law Firm

1. Name of the Law firm :
2. Registration No. of the Law Firm along with date of Registration (Please provide copy) :
3. No. of advocates associated with law firm. Details at B 1 to 4 for each such associated advocate. :
4. Address of Law Firm :
- Telephone No. with STD code :
- Mobile No. of any designated partner / senior partner(s) of law firm :
- Fax. No. with STD Code :
- Email address :
5. Permanent Account Number (PAN) of law Firm (Please provide copy) :
6. GST number of Law firm, if any (Please provide copy) :

B. For Advocate

1. Name :
2. Date of birth :
3. Degree in Law (Please provide copy)

Sl. No.	Degree / Course	Institute/ College/ University	Year of Passing

4. Certificate of Practice and Experience Certificate :
issued by Bar Council of India / Bar Council of State
(Please provide copy)
5. Details of Post Qualification Experience:



Sl. No.	Date of enrolment and name of bar council (attach a copy of enrolment certificate)	Date of enrolment as an Advocate on record and registration no. (attach a copy thereof) OR Date of designation as Senior Advocate (attach a copy of proof thereof)	Court where the advocate is regularly practising	Total no. of years of experience along with area of specialisation

5. Official Address :

Telephone No. with STD code :

Mobile No. :

Fax. No. with STD Code :

Email address :

PAN no. of advocate (Please provide copy) :

C. Common for both Law firms and Advocates

1. Empanelment with Government :
Company/ PSUs/ Govt. Dept. of Centre
or State Government/ Govt. Bodies,
etc.

a. Name of Dept./ Government
Company/ PSU

b. On panel from _____ to _____

c. Average no. of matters
assigned by Dept/ Government
Company/ PSU in a year

2. Worked with Government Company/ :
PSUs/ Govt. Dept. of Centre or State
Government / Govt. Bodies

4. Details of cases defended by the :
advocate on behalf of Government
Company/ PSU / Govt. department:

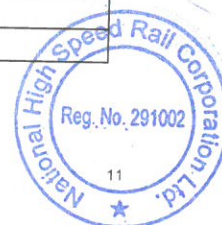
a. Before Hon'ble Supreme Court/ High Court

Sl. No.	Title of matter/ case details	Citation	Date of Judgment	Name of court & details of bench

b. Before Hon'ble Subordinate Courts/ Tribunals

Sl. No.	Title of matter/ case details	Citation	Date of Judgment	Name of court & details of bench

16. A brief note on suitability for :



empanelment

17. Any other information you may :
like to give

18. List of enclosures : Following self-attested documents (as applicable):
1. Registration Certificate of the firm (mandatory for law firm).
 2. A copy of LL.B. degree
 3. Certificate of Practice and Experience Certificate issued by Bar Council of India / Bar Council of State
 4. Proof of designation received as Advocate on Record or as Senior Advocate.
 5. A copy of PAN Card of self and of firm.
 6. A copy of GST no. of law firm, if any.
 7. A copy of complete EOI document (issued by NHSRCL) duly signed and sealed as a token of acceptance of all terms and conditions.
 8. Compliance Certificate in the format as per sl. no. IX of the EOI.
 9. A copy of Chartered Accountant certificates and certified audited balance sheet and profit & loss & A/c / IT returns for last 3 years).
 10. Power of attorney / authorization letter issued in favour of authorized signatory of law firm (mandatory for law firm).
 11. A documentary proof showing empanelment with Government Company/ PSUs/ Govt. Dept. of Centre or State Government/ Govt. Bodies, etc.
 12. A documentary proof showing working with Government Company/ PSUs/ Govt. Dept. of Centre or State Government/ Govt. Bodies, etc.
 13. Any other optional document

Verification:

12. I/ We have read all the terms and conditions set out in the EOI dated ____ 2018 issued by National High Speed Rail Corporation Limited, and hereby accept the same without any deviation.
13. I/ We have no objection if enquiries being made about the work listed by me / us in the accompanying sheets/ annexure.

Signature and seal : _____

Name of Advocate / Authorized Signatory of Law Firm : _____
(IN BLOCK CAPITALS)

Designation : _____

Place:
Date:



Notes (forms part and parcel of above Schedule of Fee):

1. The schedule of fee payable for services rendered as given above is fixed.
2. The law firm/ advocate appearing for NHSRCL before any Court/ Tribunal shall be entitled to claim full fees only in case of effective hearing. For non-effective hearing the law firm/ advocate shall be entitled to half of the fees.
3. Where two or more cases involving substantially identical or similar questions of law or facts are heard together, the law firm / advocate will be paid full fee in one case and ¼ of the fees in rest other cases.
4. The Law firm will be paid fees with respect to appearance of only one advocate of the firm.
5. **Effective hearing:** Effective hearing for the purpose of claiming appearance fee in a place means a hearing in which one or both the parties involved in the case are heard by the court. If the matter is called in its turn and the Counsel is present to represent NHSRCL and the Court/Tribunal listens to the submissions made by him or 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 without any hearing or only routine directions are given or only judgment is delivered by Court/Tribunal, it would not constitute an effective hearing but will be termed as non-effective hearing.
6. **For outstation appearance: The expenses towards to and fro travel and boarding and lodging will be as under:**
 - i) *for senior Advocates* - Journey by business class by air or first class by train and boarding and lodging as applicable to the officer of the rank of ED of NHSRCL.
 - ii) *for other Advocates* - Journey by economy class by air or by first class by train and boarding and lodging charges is applicable to the officer of the rank of AGM of NHSRC
7. Fee of ASGI / AGI and Senior Advocate designated by High/Supreme Court are not being stipulated as they are engaged in very few important cases only through NHSRCL's panel Advocates and their fee varies from case to case depending upon the importance and question of law etc. of the matter as per the memo raised by them. Fee for such case may be decided by the Competent Authority/ NHSRCL as per delegation in SOP depending on the merit of each case. Specific approval in writing of the Competent Authority for engagement of the Senior Advocate shall be required.
8. No retainer fee shall be paid to any empaneled Advocate or Law firm.
9. No advance payment shall be made.
10. Misc. / out-of-pocket expenses/ Court fee shall be reimbursed as per actuals and GST (if any) at applicable rates in addition to the above rates. In case of expenses exceeding Rs. 500/-, the counsel shall be required to produce bill thereof.
11. The day-to-day proceedings in the cases assigned to the empanelled advocate shall be intimated in writing or by e-mail to concerned GM.
12. The performance of empanelled Advocates shall be continuously monitored and examined by the GM/ Director and their continuance with NHSRCL shall depend on their performance.
13. NHSRCL reserves the right to cancel the name of any empanelled Advocate without assigning reason thereof.
14. After completion of case, expiry of tenure, or de-panelment of Advocate or decision to withdrawn the case from the Advocate, either on its completion or in between, all such cases/files in the custody of the Advocate will be returned to NHSRCL without any demur and final payment if any, will be made after receipt of the relevant documents/files.

