

**Telecom Regulatory Authority of India
New Delhi**

No. 11-48/2012-Legal

Dated : 22nd Feb, 2016

NOTICE

Empanelment of Law Firms

The Telecom Regulatory Authority of India, a statutory body, intends to engage Law Firms for representing TRAI before different Courts, rendering legal advice, providing legal research assistance, drafting and vetting of petitions, appeals, replies etc. The interested firms may submit their willingness in the prescribed proforma latest by **14.03.2016** 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 Law Firms are contained in the notice dated 22nd Feb,2016 published on the website of the TRAI - www.trai.gov.in.

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

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1. **Tenure of empanelment:** The initial employment of the 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 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 law firm at any time.

2. **Eligibility for empanelment :**

(a) The 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 law firm 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.
- (c) It is desirable that the firm should possess adequate experience in providing legal research assistance towards drafting of legislations, rules, etc. for Government departments, independent regulators etc.

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

3. Fees and other conditions:-

- (a) Law firms should indicate the fees for their different professional services which shall be valid during the tenure of their engagement.
- (b) The law firm appearing for TRAI before any Court shall be entitled to claim full fees only in case of effective hearing. For non-effective hearing the law firm 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 law firm 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 law firm is required to appear.

(e) When the case is listed for hearing but adjournment is sought by TRAI, the law firm 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 Law firm should quote fees for its Advocate (s) appearance in Delhi for different Courts and for appearance before Courts outside Delhi separately. The Law firm will be paid fees w.r.t. appearance of only one Advocate of the firm. The 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 of Law firm 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 law firm.

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

4. The empanelled 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 law firms shall also not advise any party, render any legal opinion 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 of law firm 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 law firm 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 Advocate of the law firm appears and takes note in such effective hearing, only 1/4th of the appearance fee shall be payable.

7 Whenever the Advocate of law firm 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 law firm 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 law firm.

10. **General** :- The 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 law firm will take necessary steps to protect the interest of the Authority in matters entrusted to it from time to time.

(b) Empanelment does not confer any right or claim that the 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 law firm any proceedings/matter/brief.

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

(e) Unless a case is specially assigned, the 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 law firm shall not otherwise deal with such cases and immediately inform the Authority in this regard.

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

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

(h) In case of initiation of any disciplinary proceedings / criminal proceedings against the law firm, the Authority may remove such 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 empanelled law firm to accept any work other than on the ground of conflict of interest may entitle removal of such law firm from the panel. No empanelled law firm shall contest any case against the Authority during their empanelment. The empanelled law firm shall not delegate the case to any other Advocate or law firm. Advocates of the empanelled law firm 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 law firm shall maintain absolute secrecy and confidentiality with respect to 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 law firm shall be at the sole discretion of the Authority and no person shall have any claim for being empanelled.

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

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(s) of the law firm, period of practice, details of important cases handled and details of telecom and broadcasting and other regulatory matters dealt with by the Advocate(s) of law firm.
- 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 and Broadcasting and Cable 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.-----