

Small Farmers' Agribusiness Consortium
(Dept. of Agriculture & Farmers' Welfare, Govt. of India)
NCUI Auditorium Building, 5th Floor, 3, Siri Institutional Area,
August Kranti Marg, Hauz Khas, New Delhi – 110 016.

APPLICATIONS ARE INVITED FOR EMPANELMENT OF
ADVOCATES /LAW FIRMS

Small Farmers' Agribusiness Consortium (SFAC), an autonomous Society under the administrative control of Department of Agriculture and Farmers Welfare, Govt. of India is implementing Central Sector Scheme for Agri-business Development. Please visit website www.sfacindia.com for full details. Venture Capital Assistance (VCA) is implemented in conjunction with bank term loan. Under the Scheme, VCA is provided to meet the funding gap in the means of finance as worked out by the lending Financial Institution and is refundable back to SFAC after the repayment of term loan of lending Financial Institution as per original repayment schedule or earlier without interest or in four equal quarterly installments which will carry interest at the same rate as charged by the bank for the term loan.

SFAC is following the under noted practices as laid down in the Operational Guidelines of VCA Scheme:-

SFAC has obtained post dated cheques from borrowers before release of VCA. In cases of bouncing of cheques, legal action is initiated under section 138 of the Negotiable Instruments Act, 1881 or as per agreement with borrower where there is a clause "that in the event of any dispute arising between the parties, only Delhi Courts have jurisdiction to try, entertain and decide the said matter". In old cases, where post dated cheques are not available, arbitration proceedings are filed against the promoters before Indian Council of Arbitration (ICA) under Arbitration and Conciliation Act.

SFAC also has to get the execution petitions filed across the country wherever need arises.

Eligibility Criteria:

1. The applicant must have a Degree in Law from a reputed University/College.
2. Advocates / Law Firm should have experience of above stated work for minimum of five years.
3. They should have been on the panel of at least one Institute/ Organization or /Central/ State Govt. Ministry/ Department/Public Sector Banks/Public Financial Institutions/Banks.
4. Advocates / Law firms must have adequate infrastructure including library, office, support staff, computer, well maintained law journals, etc.(Undertaking/Declaration for the same is required).

5. The applicant must be familiar with all types of law preferably Civil, Contract and Corporate laws, Arbitration etc.
6. The applicant may be an individual/law firm.
7. The applicant should have handled a reasonable number of recovery cases.
8. The Advocate should not engage in any activities that may cause conflict of interest with the interest of SFAC.
9. The Advocate should be of impeccable integrity.

Period of Contract: Selected advocate / law firm shall be empanelled for a period of two years and his / their services shall be availed on case to case basis on a fee as prescribed by SFAC. SFAC may consider renewal of contract for a further period based on the satisfactory performance record at its sole discretion. Performance of the advocates will be reviewed on annual basis. The competent authority reserves the right to terminate the empanelment of any advocate at any time without assigning any reason.

Fee and Admissible Expenses: The fees for various legal services is payable as per approved fee schedule of SFAC as at Annexure-I and as amended from time to time. In case any service is not covered in the fee schedule, fees for that service will be determined separately by SFAC. Any other expenses incurred by the advocate / law firm shall be reimbursed on actual basis on production of supporting documents.

Reservation of Rights

The SFAC reserves the right to reject any application/s for empanelment of Advocate/Law Firm without obligation.

The SFAC also reserves the right to determine the size of the panel from time to time depending on requirement and quantum of work.

Terms and Conditions:

Terms and Conditions of empanelment with SFAC is attached at Annexure-II.

Paper/documents

Self attested copies of the following papers/documents are to be submitted along with application:

- 1) Degree Certificate
- 2) Bar Council Membership Certificate
- 3) Experience certificate
- 4) Empanelment certificate.
- 5) Registration certificate of Company/Partnership/LLP/LLC etc., if applicable.
- 6) Proof/Pictures of office showing furniture, library, Journals, Computers etc.
- 7) Any other supporting documents.

Submission of Applications:

Applications in the prescribed format as per Annexure-III are invited in sealed envelope superscripted as <**Application for empanelment of Advocates/Legal firm**>.

Sealed envelope containing complete set of hard copy of application along with enclosures, if any, should be submitted by Post or delivered in person to the Dy. Director (Administration), Small Farmers' Agri-business Consortium, NCUI Auditorium Building, 5th Floor, 3, Siri Institutional Area, Hauz Khas, New Delhi – 110 016.

ANNEXURE - I

SCHEDULE OF FEES OF SFAC FOR VARIOUS LEGAL SERVICES

| Sl. No. | Nature of Work | Fees payable |
|---------|--|--|
| 1. | Legal Notice u/s 138 NIA in District Court | Fee Rs. 1500/- + Clerkage/Misc. Rs. 400/- = Total Rs.1900/-. |
| 2. | Drafting/filing Complaint u/s 138 NIA/Civil suits in District Court | Fee Rs. 2200/- + Clerkage/Misc. Rs. 750/- = Total Rs. 2950/- |
| 3. | Hearing u/s 138 NIA in District Court | Effective Hearing: Rs. 1500 per day and Non Effective Hearing: Rs. 600 per day. The effective hearing shall mean a hearing in which either one or both or 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 judgement is pronounced it would not constitute a effective hearing for the purpose of this service but would be non-effective hearing. |
| 4. | Drafting and filing of case in High Court | Fee Rs. 2200/- + Clerkage/Misc. Rs. 1100/- = total Rs. 3300/-. |
| 5. | Hearing fee in High Court | Rs. 2000/- per hearing. |
| 6. | Drafting/filing of petition of VCA in Supreme Court of India | Rs.7000/- excluding court fee as application + Clerkage/Misc. Rs.1100/- = total Rs. 8100/-. |
| 7. | Hearing fee in Supreme Court of India | Rs. 7500/- per hearing. |
| 8. | Legal Notice for arbitration | Fee Rs. 2000/- +Clerkage/Misc. Rs. 400/- = total Rs. 2400/-. |
| 9. | Drafting and filing of case in ICA for arbitration including hearing till award. | Fee Rs. 5000/- + Clerkage/Misc. Rs.1100/- = total Rs. 6100/-. |
| 10. | Hearing in ICA | Total Fee till award: Rs.7500/-. |
| 11. | Drafting and filing of Execution Petition | Fee Rs. 5500/- + Clerkage/Misc. Rs.2000/- = Rs. 7500/-. |
| 12. | Expenses for stay in hotel for advocate on outstation cases if required. | As per Govt. norms for officers at the rank of Dy. Director. |
| 13. | Hearing in Execution Petition | Fee Rs. 2000/- per hearing. |

Minutes of the meeting held on 06.09.2016 to review the additional expenses incurred by the Empanelled Legal Consultants

As per office order No. SFAC/1-3/2/2015-Admn.2543 dated 23.08.2016, a meeting of Committee members was held on 06.09.2016 in the chamber of Director (VCA) to review the additional expenses incurred/to be incurred by the Empanelled Legal Consultants at the time of issuance of Summon/Notice/Warrants by the Court to the Accused; expenses for preparing the reply to the application moved by the accused, expenses for attestation of affidavit, expenses for ICA Petition and expenses for execution petition to be filed/filed before District Courts (in respective States). That expenses for different work as mentioned above are being done by advocates as special request as SFAC can not spare an office employee to do these works in different dates in various courts. Approximately 40 cases are U/s 138 NIA and approximately 50 cases in Indian Council of Arbitration. Hence, to cater to 90 cases miscellaneous expenses every time by SFAC staff and paying him/them TA etc will hamper SFAC working and will be more expensive. These miscellaneous expenses were not part of tender rates as these are not part of advocate work generally. In SFAC, advocates are doing official part in their behalf hence, Committee recommends the rates as mentioned below for such additional expenses on proof of documentary evidence like order sheet etc.:-

Complaint U/s 138 NIA

1. At the time issuance of Summon/Notice/Warrants by the Court to the Accused – **(Rs. 750/-)**.
2. At the time issuance of Summon/Notice/Warrants by the Court to the Witness (s) and payment of Diet money for each witness – **(Rs. 750/-)**.
3. Miscellaneous expenses for preparing the reply to the application moved by the accused and attestation of affidavit etc. **(Rs. 350/-)**.

Claim Petition before ICA

1. Filing of evidence by way of Affidavit, photocopies, Attestation & Service on the other party **(Rs. 1000/-)**.
2. Miscellaneous application / reply if any **(Rs. 700/-)**.
3. Written Arguments with citation of High Court/Supreme Court judgments **(Rs. 1500/-)**.
4. Review Petition **(Rs. 1100/-)**.

Misc. Expenses for Execution Application before District Courts (Outside)

- i) Process Fee
- ii) Notice/Summons to the respondents
- iii) Appointment of Bailiff
- iv) Reply to Objections/Application, if any
- v) Misc. Expenses
- vi) Engagement for Local Advocate

(Rs.5000/-)

The committee decided that L1 expenses mentioned above in bold letters may be approved.

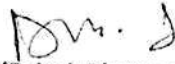
As regards the total professional fees of Rs. 7500/- to be paid to Empanelled Consultants of ICA matters, it has also been decided that 50% of the fee be paid at the time of appointment of Arbitrator and remaining 50% at the time of Award may be approved.



(V.S. Rawat)
Asstt. (Admn.)



(B.S. Sethi)
Consultant (Fin.)



(Rajesh Bhatnagar)
Manager (Fin.)



(Dr. Sumathi S.)
Dy. Director (Admn.)



(D. Bhuyan)
Director (Projects)



(Sapna Nigam)
Director (VCA)