



THE MAHARASHTRA STATE CO-OPERATIVE MARKETING FEDERATION LIMITED

Kanmoor House, Narsi Natha St. Masjid, Mumbai - 9.

Tel.No. 23752294/98. Fax No. 23738208 Website: www.mahamarkfed.org

NOTICE FOR EMPANELMENT OF ADVOCATES FOR FEDERATION

Applications are invited in the prescribed format via E-mail on the above website from eligible candidates for empanelment as Advocate for Panel of the Federation for providing legal services in Mumbai exercising Civil & Criminal jurisdiction including High Court, City Civil Courts, Small Causes Court, Labor Court, Industrial Court, Metropolitan Magistrate Courts etc. within 15 Days from the date of publication of this advertisement along with the complete certified documents.

Terms and Conditions are available on the above website.

General Manager (Law/Recovery)



दि महाराष्ट्र स्टेट को-ऑपरेटिव्ह मार्केटिंग फेडरेशन लिमिटेड.

कनमूर हाऊस, नरसी नाथा स्ट्रीट, पो.बॉ.नं.5080, मस्जीद बंदर मुंबई- ४००००९
फोन नं.०२२-२३७५२२९४/९८, फॅक्स नं.(०२२) २३७३८२०८ Website: www.mahamarkfed.org

पाहिजेत

दि.महाराष्ट्र स्टेट को-ऑपरेटिव्ह मार्केटिंग फेडरेशन लि. यांना मुंबई यांना Advocats चे पॅनल करावयाचे आहे. (EMPANELMENT OF ADVOCATS) तरी इच्छुक उमेदवारांनी वरील पत्त्यावर प्रमाणित दस्तऐवजासह ही जाहीरात प्रसिध्द झाल्यापासून १५ दिवसांच्या आत अर्ज पाठवावे.

नियम व अटी वरील दिलेल्या वेब-साईट वर उपलब्ध आहे.

सरव्यवस्थापक (कायदा/वसुली)

Notice

**Maharashtra State Co-Operative Marketing Federation Ltd.
NOTICE INVITING APPLICATION FOR EMPANELMENT OF ADVOCATES**

Date:- 11/02/2019.

The Maharashtra State Co-Operative Marketing Federation Ltd. Proposes to engage panel counsel (s) to represent Federation before Various Court, High Court, Various Tribunals, District Courts, and other Courts.

The practicing advocates, Solicitors, (Including Law Firms) who are registered with Bar Council of India/State Bar Council and having minimum 07 years experience are eligible for s. Eligible Practicing advocate must submit application in the format prescribed in Annexure "A" and "B" of the empanelment document. Along with all supporting documents in a sealed envelope to:-

Managing Director and Authorized Officer

**The Maharashtra State Co-Operative Marketing Federation Ltd.
Kanmoor House, Narsi Natha st, post Box No.5080, Masjid, Mumbai-400009.
Phn.No.(022), 3752294/98 Fax No. (022) 23738208.**

The envelope should be super scribed as following:-

" Application for Empanelment of Advocate for Supreme Court, High Court.

Tribunal, District Courts, Lower Courts.

The detailed empanelment document can be downloaded from the Federation Website:

www.Mahamarkfed.org

The last date of receiving Applications in the prescribed format along with supporting documents is Date. / /2019 till 5.Pm.

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**General Manager (Law/Recovery)
The Maharashtra State Marketing Federation**

Legal Department

**POLICY ON
EMPANELMENT OF ADVOCATES,
ENGAGEMENT OF SENIOR ADVOCATES
& SOLICITORS (INCLUDING LAW FIRMS)**

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POLICY ON EMPANELMENT OF ADVOCATES, ENGAGEMENT OF SENIOR ADVOCATES & SOLICITORS (INCLUDING LAW FIRMS)

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Purpose of the Policy

In view of increased number of filing / pending of various Civil suits Disputes pending for recovery, possession, defense on various ground before all civil and criminal courts followed by appeals at District Courts and Writ Petitions PIL before High Court have increased manifold. As a result, huge funds of the federation have got stuck in litigation for indefinite period thereby seriously affecting recovery of the Federation or getting relief from claims against Federation filing of suits, Disputes etc. taking timely remedial measures and to effectively and efficiently manage the suit filed accounts, obtaining orders of injunction, attachment before judgment will help in taking the legal proceedings to their logical end.

To achieve the desired results, it is imperative to frame policy guidelines and mechanism for empanelling the advocates from time to time as per the federation requirement.

Previous Empanelment practice

The modalities on empanelment of Advocates were last done in 2005 by approval of the BOD.

As per the practice followed till date Advocates were empanelled as per nature of suits/claims/petitions, complexity of the case and the expertise and experience of the Advocate. Consultation with Sr. Counsel on record and District Marketing offices were also done for empanelment of Advocate. Preference was given to the Advocates who are handling / empanelled with federation, government establishment and having good record of performance.

I.CRITERIA FOR EMPANELMENT OF ADVICATE

For being included in the panel Lawyers or Legal Firms shall have independent experience and effective practice at Bar preferable of seven years in handling the cases relating to Land matters/Co-operative Court Matters Revenue matters/Contractual matters/Arbitration matters/Service matters/Company Law matters/Taxation/labour laws/company laws/civil suits,/writ matters and constitutional laws in the court applying for.**MD shall be the competent authority to accord the relaxation.**

The advocate should have undoubted legal acumen and unblemished integrity. A certificate in this regard issued by the concerned Bar Association shall be provided by the advocate as per the format provided at **Annexure 'A'**.

Advocates having practice of more than 07 years at the bar will be placed in the senior panel and Advocates below 07 years of practice will be in the junior panel. Such panel will be reviewed from time to time.

The application to be submitted by the Advocates for empanelment should contain the following details/particulars (self attested):

1. Photocopy of the certificates & marks sheets from the higher secondary stage to the LL.B stage.
2. Photocopy of all the testimonials of the concerned Advocate as referred to in the bio-data.
3. Photocopy of PAN Card.
4. Photocopy of enrollment certificates issued by Bar Association where the concerned Advocate is practicing.

II. PROCEDURE FOR EMPANELMENT

Applications from the intending advocates for empanelment will be invited as required. An advertisement to this effect will be published in the local newspapers. The intending advocates will be required to visit the Federation website to know the details and also to download the application and the other requisites relating to the empanelment.

The applications so received shall be scrutinized by the Head office. While considering the eligibility criteria, preference will be given to the advocates having requisite seniority at the Bar, legal acumen, association with other Govt/ PSUs and impeccable integrity.

After short listing the names of the eligible advocate(s) as indicated hereinabove, Legal Department shall place the applications before the Managing Director and authorized officer.

III. OTHER TERMS AND CONDITIONS FOR EMPANELMENT.

Advocate(s) should agree to abide by the Federation terms and conditions as to the professional fees, charges etc.

The concerned advocate(s) will be informed in writing of his empanelment and the terms and conditions of his empanelment as per **Annexure 'C'**.

It shall be made clear to the advocate(s) that approval in Federation panel of advocates does not amount to an appointment or right for an appointment and Federation is free to engage any advocate of its choice and the empanelled advocate cannot claim to be entrusted with Federation's work.

The advocate(s) should undertake not to appear against the Federation and they do not support the litigation which is detrimental Federation's interest.

It shall be made clear that under no circumstances they should use any legend containing Federation's name or symbol in letter heads, signboards, name plates etc. such as legal advisor to Federation or advocate for Federation etc.

The empanelled advocates shall, upon receiving the letter from the Federation confirming their empanelment, submit a letter of acceptance (on their letter heads) as per **Annexure 'D'**.

IV. DUTIES AND RESPONSIBILITIES OF PANEL ADVOCATES:-

- i. **Drafting** : to draft Notices, Plaints, petitions, written statement, claims, counter claims, Civil Application, Misc. Application, rejoinders, Affidavit, Agreement , MOU etc., as and when required.
- ii. To give legal opinion as and when required.
- iii. To attend different authorities/ Courts personally as required.
- iv. While pursuing/defending any litigation on behalf of the Federation, the panel Advocate (s) should intimate the day to day progress /updates of the matter to the concerned Legal Department of the Federation via email, Telephone.
- v. Not to seek adjournments without any valid and cogent reasons and without Concurrence of the Federation.
- vi. Not to make any submission before the court without proper instructions from the concerned Legal Department of the Federation.
- vii. Intimate and Advise the Legal Department of the Federation for engaging Senior Counsel, if required, to protect the interest of the Federation.
- viii. Not to appear either directly or through his juniors/ assistant advocate against the Federation in any matter.
- ix. To timely advice and take necessary action on time on claims and matters entrusted.

V. MAINTENANCE OF PANEL

- (a) The legal department of Federation will be free to choose any advocate from the panel depending upon the nature of the case, vicinity, capacity to complete the work expeditiously etc. in consultation with the Legal department at H.O. The advocate(s) will be informed in writing for such engagement.
- (b) Bio Data of advocate(s) shall be kept in the panel file with proper index at Legal Department.
- (c) Record of empanelled advocate(s) will be maintained at Head Office It can be maintained in electronic form also. The record will contain name of advocate, address, phone number, date of empanelment etc.

VI. PERFORMANCE REVIEW OF ADVOCATES/REMOVAL OF ADVOCATES (PANEL ADVOCATES) FROM APPROVED PANEL.

Review of performance of advocates shall be done by the Legal department on yearly basis.

The report on review of performance of advocates will be placed before the Managing Director and if it is found that the performance of any advocate is not satisfactory or not up to the mark, his name shall be removed from the panel upon obtaining approval of the MD. Before removing the name of the advocate from the panel, due intimation shall be given to such advocate along with reasons thereof in writing.

If it is found that any advocate acts contrary to any of the terms of empanelment, does not follow his duties and responsibilities, his empanelment shall be cancelled.

If there are any adverse reports or advices received from any other department about the conduct of any advocate on panel, the Legal department shall initiate action for his de-pavement on the basis of recommendations of the department at H.O. All the matters entrusted to such advocate (s) will be immediately withdrawn and further action, as decided may be taken.

VII. OTHER MISECLLENEOUS ASPECTS.

Advocates shall intimate / inform the outcome/ developments in cases to the legal department immediately on the date of hearing and give consolidated position in writing at least once in a month. The advocates shall also intimate important developments in writing.

In some cases, it is observed that advocates who act expeditiously in the matter of filing suits do not show any interest in execution proceedings. Such advocates need not be retained in the panel unless there are other compelling circumstances to do so. In the event advocates do not agree to accept the fee schedule of the Federation, they may not be empanelled or retained in the panel unless there are compelling reasons to do so. Higher fees may be considered with prior approval of MD.

In matters where there is no prescribed fee by the Federation. In such cases approval of M.D. will be required.

In case of situations warranting change of Advocates/ Counsels due to elevation to the judiciary, change in occupation, change of place of work, transfer of cases to different courts/ tribunals or death or any other situation, it shall be ensured by the concerned District Marketing Officer to attend such cases forthwith. The brief and documents entrusted to such advocates /counsels be taken back and the matter is appropriately dealt with by engaging other suitable empanelled advocates.

VIII. ENGAGEMENT OF SOLICITOR FIRMS/SENIOR ADVOCATE/COUNSELS

In particular cases, where the services of an advocate of proven ability/ Senior Counsel in a specialized branch of law or a lawyer working for a reputed firm of Solicitors, is required and his name is not in the Federation panel, on the specific recommendations of the District Marketing Offices, the Legal Department may consider the same and place it before MD for necessary orders as a special case to protect the interest of the Federation.

The amount of fee payable to such Senior Counsel/ Senior Advocate towards professional fee shall be as per discretion of the MD (Managing Director of the Federation)

So far as engagement of Junior Advocate or Associate Advocate by the Federation's approved Advocate for his convenience or assistance (except where court rules make it compulsory to the Senior Advocate to have a Junior Advocate) it should be made clear to the Advocate that it should not be construed as an implied consent and no separate fee is payable to such Junior Advocate or Associate Advocate. Moreover he will be responsible for all the acts and actions of such junior or associate whether engaged with or without consent of the Federation and he should ensure that the Federation's work is properly accomplished and not to put the Federation interest into jeopardy in any manner. The MD of Federation will have authority to grant relaxation to this condition.

ANNEXURE 'A'

FORMAT OF CERTIFICATE TO BE OBTAINED FROM THE CONCERNED BAR ASSOCIATION.

This is to certify that Shri/Smt/MsS/o, W/o, D/o
having residence at..... chamber/office at
.....is a bonafide member of this Bar Association
since..... and is practicing since in Court on
Civil/Criminal/Labour Laws/Property Laws/Banking Laws etc (Whichever is applicable).

It is further certified that Shri/Smt/Ms
is efficient and having good knowledge in the field of his/her practice and is conducting
cases independently.

Shri/Smt/Ms is hard working and has good moral character and no adverse
report against him/her has come to my knowledge. I wish him/her the very best in their
entire future endeavour.

Sd/-

President/Secretary

..... Bar Association.

Place:

Date:

Annexure B

Photograph

BIO DATA OF ADVOCATE

Name of Advocate

Name of Father/Husband

Date of Birth

Educational Qualifications

(Photo copy of Provisional Degree
/ LL. B certificate to be enclosed)

Name of Bar Council, Month/Year of Enrolment & Enrolment Number

(Enclose photo copy of Bar Council enrolment
certificate & ID)

Residential Address with Phone No.

Office Address with Phone No.

Period & place of practice.

Court of practice.

In which office trained as Junior / apprentice

Name of Senior.

List of PSU/ Clients empanelled with.

Any other relevant information

Signature of Advocate

Note: Photo copy of the documents to be self attested with date.

Annexure C

Date :

To,
Shri/Smt....., Advocate
Address:

Reg: Empanelment of your name in the Federation's Panel

With reference to your request / letter dated _____ for empanelment, we are pleased to inform that your name is included in the Federation's panel on the following terms and conditions:

You shall accept professional fee as may be prescribed by the Federation.

You will not claim / not be entitled to any fee for any opinion purpose, in connection with the suits entrusted to you.

You will not claim / not be entitled to any TA, DA or any type of reimbursement for visiting courts etc.

You will not use any logo containing the Federation name or symbol in your letter- heads, sign boards, name plates etc as panel lawyer of Federation etc.

You have clearly understood that inclusion of your name in the approved panel does not amount to any appointment or right for an appointment to be made by the federation and the federation is free to appoint any advocate of its choice and no right exists for any empanelled advocate to claim that he / she alone should be entrusted with the federation's work.

You have been included in the panel of approved lawyer without any retainer fee.

So long as you are in Federation's approved panel, it is normally expected that you would not appear in any of the cases against Federation and when there is conflict of interest, you have to seek prior concurrence of the federation in writing.

You must bestow your sincere efforts for expeditious disposal of the cases entrusted to you and should report the progress to the legal department. on regular basis in writing and all important developments immediately after the date of hearing.

While pursuing / defending any litigation on behalf of the Federation the panel advocate should -Intimate the day to day progress of the matter to the concerned office of the Federation.

Not seek adjournments without any valid and cogent reasons.

Not make any submission before the Court without proper instructions from the concerned officer of Federation.

May advise the concerned branch / office for engaging Senior Advocate counsel if required to protect the interest of the Federation.

Not appear either directly or on behalf of his juniors / assistant advocates against the Federation.

You would abide by such other reasonable terms and conditions that the Federation may stipulate from time to time.

The aforesaid empanelment is initially for one year and likely to continue subject to your satisfactory performance. The Federation has the discretion to delete your name from the panel at any time without assigning any reasons. Once your name is removed you have to give your No objection forthwith so that the cases can be assigned to other advocate also relevant files and documents in the matters should be forthwith handed over to the Federation.

Please acknowledge receipt and convey acceptance of the terms and conditions.

Yours faithfully,

Annexure - D

(On Advocate's Letter Head)

Date:

To

General Manager (Legal)

MSCMF

Mumbai

Dear Sir,

I have received your Letter No. _____ dated _____ regarding empanelment as advocate for your Federation and I hereby accept all the terms and conditions stipulated therein, and expressly agree to abide by such other reasonable terms and conditions as may be stipulated from time to time.

I will devote sufficient time for Federation cases and also take special interest for expedite hearing of the cases.

I agree to submit progress reports of all pending cases with suit cases no. etc. thereof along with the up - to-date developments of all cases on regular basis.

I also agree that I will inform status of hearing and next steps to be taken in a case immediately after hearing date of the case.

I clearly understand that my empanelment may be cancelled / terminated at any time by the federation if it is found that due to my inability or actions, the Federation interest is exposed to risk and I further understand and aware that my name may be referred to the Bar Council of India and / or the federation may take action against me as it deems appropriate.

I agree to abide with all the terms and conditions as contained in your letter No.....
Dated...

Yours faithfully,

ADVOCATE
Bar Council Enrolment No.

