

JAIPUR VIDYUT VITRAN NIGAM LIMITED
(LEGAL CELL)

No. JPD/SE/Legal/F.09 ()/D.

Jaipur, Dt:

**The Superintending Engineer (JCC/JPDC/O&M),
Jaipur Discom,
Jaipur/Alwar/ Bharatpur/Dausa/Kota/Jhalawar/ Sawaimadhopur.**

Sub: - Policy for Empanelment of Advocates and renewal of their terms.

Find enclosed herewith the Policy for empanelment of Advocates and renewal of their terms duly approved by Hon'able Chairman and Managing Director, Jaipur Discom, Jaipur for making strict compliance and sending the reports timely in prescribed proforma i.e. within fifteen days after end of each quarter.

You are requested to send the reports in prescribed proforma from April, 2009 to March, 2010 within fifteen days period positively

Encls:- As above

Superintending Engineer (Legal)
JVVNL, Jaipur

Copy submitted/forwarded to the following for information :-

1. The Chief Engineer (O&M/ MM), Jaipur Discom, Jaipur.
2. The Dy Chief Engineer (Comml./ RE), Jaipur Discom, Jaipur
3. The Superintending Engineer(IT), JPD, Jaipur with the request to incorporate in the web site of Jaipur Discom.

Superintending Engineer (Legal)
JVVNL, Jaipur

POLICY for **Empanelment** of counsels and Renewal of their terms are prescribed by specifying the requisite qualifications and terms & conditions of their engagement which are as hereunder :-

1. QUALIFICATIONS OF COUNSELS :

Counsels are **empanelled** by JVVNL for representing the JVVNL before Supreme Court, High Court, Distt Session Courts/Subordinate Courts, Special Courts, Distt Forums, Commissions, DRT, BIFR, AAIFR, Tribunals , other judicial / Regulatory bodies in cases relating to the JVVNL . The counsels engaged by the department, whose Qualifications will be as hereunder :

Counsel : In order to be eligible for empanelment as Counsel, a person should be

- i. enrolled/registered as an advocate with the Bar Council of India/ Rajasthan
- ii. have a minimum experience of seven years of handling preferably Electricity/Service matters before various Courts or Tribunals.

OR

Have been an Officer/Employee of JVVNL who retired/resigned and is enrolled /registered as an advocate with the Bar Council of India/ Rajasthan. Provided that he has not been removed/dismissed or compulsorily retired from service on account of disciplinary action against him and no disciplinary proceeding under service rules or pension rules is pending against him.

2. Empanelment of Counsels.

2.1 For the purpose of empanelment, the eligible candidate can apply to the Chairman & Managing Director, Jaipur Discom, Jaipur in the prescribed **Proforma-A/A-I** (as applicable) or their application forwarded by the Govt. of Rajasthan.

Terms and conditions for empanelment should be in accordance with the policy .

2.2 Particulars of the applicant's expertise in handling preferably Electricity/Service matters by the applicant will be examined and an evaluation report along with recommendation of the Concerned Superintending Engineer will be sent to the Legal-Cell of JVVNL in **Proforma -B** .

2.3 The First appointment of each Counsel shall normally be for a period of two years.

3. Performance Review:

The following procedure shall be adopted for reviewing performance of the counsels empanelled by JVVNL:

3.1 The Concerned Superintending Engineer having jurisdiction over a case shall submit a quarterly report to the Legal-Cell of JVVNL in **proforma -C** in respect of the cases represented by the Counsels.

3.2 On the basis of the reports received from the Concerned Superintending Engineer, the Legal-Cell of JVVNL will review the performance of the empanelled counsels every year before 30th June of each year and send an annual report to the CMD, Jaipur Discom in **proforma -D**.

4. Renewal of Empanelment :

4.1 Proposals for renewal of Counsels should be submitted to the CMD at least two months before the expiry of the existing term.

4.2 The renewal of a term of a Counsel can be made for a further period of two years if his performance is found to be satisfactory. Before making recommendation for renewal of empanelment of the Counsel, the Legal-Cell of JVVNL should necessarily make an evaluation of the performance of the Counsel during the preceding term and forward it to the CMD, Jaipur Discom along with the proposal for renewal in **proforma -E**.

4.3 In general, the term of existing empanelled Advocates would not be terminated till pending cases already allotted to them, decided by the appropriate court/forum/commission/statutory body/authority. However, their performance will be evaluated regularly.

5. Allocation of cases to Counsel

The Legal-Cell of JVVNL will be overall in charge of entire litigation work on behalf of the JVVNL. Allocation of cases to the Counsel may be made by the Concerned Superintending Engineer/ Legal-Cell of JVVNL as authorized by JVVNL.

6. Strength of the Panel:-

Empanelment of Counsels for the cases of Supreme Court/ Appellate Authority/ National Commission/ BIFR/ AAIFR/ DRT/ Raj. High Court/ State Commission/ DFCP/ Distt. Session court and Various subordinate Courts may be limited as hereunder :-

6.1	Supreme Court/Delhi High Court/Appellate Authority/ National Commission/BIFR/ AAIFR etc. at New Delhi	12 Nos 20 Nos 20 Nos
6.2	Rajasthan High Court, Jaipur	
6.3	State Commission, Jaipur	
6.4	Distt. Session Court/ Various subordinate Civil Court/Special Court/DRT/ DFCP etc.in each circle	20 Nos

7. Termination of Empanelment/Resignation

The empanelment of the Counsel would be terminable on one month's notice in writing by either side without assigning any reason and he/she will hand over the cases allotted to him/her (if any) in the Office of Concerned Superintending Engineer/ Legal-Cell of JVVNL as authorized by JVVNL.

Or

The empanelment of the Counsel would be terminable on observing gross negligence where the Nigam's interest is adversely affected on the part of Advocate and on the recommendation of the Concerned Superintending Engineer/ Legal-Cell of JVVNL.

8. Duties of the Counsel

The Counsel shall:

- (i) appear before Supreme Court, High Court, Distt Session Courts/Subordinate Courts, Special Courts, Distt Forums, Commissions, DRT, BIFR, AAIFR, Tribunals , other judicial / Regulatory bodies in cases relating to the JVVNL;
- (ii) give legal advice/opinion to JVVNL on such civil, revenue, criminal and service matters and such matters arising in the course of administration of the JVVNL as are referred to him by the officers of JVVNL,
 - (a) examination and settling of drafts/deeds of legal nature,
 - (b) drafting of applications, petitions etc. to be filed in courts of law.
- (iii) when any case attended by him is decided against JVVNL, give his opinion regarding the advisability of filing/not filing an appeal against such a decision;
- (iv) if required, render all assistance to the officers, Advocate General /Addl. Advocate General of the State Government, special or senior Counsel, who may be engaged in a particular case before the Supreme Court /High Court etc;
- (v) keep the Department informed of the important developments in the case from time to time particularly with regard to drafting, filing of papers, dates of hearing of the case(s), supplying copy of judgment etc.;
- (vi) furnish to the Department monthly statement about the cases represented by him/her before Supreme Court, High Court, Distt Session Courts/Subordinate Courts, Special Courts, Distt Forums, Commissions, DRT, BIFR, AAIFR, Tribunals , other judicial / Regulatory bodies in cases relating to the JVVNL.
- (vii) perform such other duties of legal nature, which may be assigned to him/her by the Concerned Superintending Engineer/ Legal-Cell of JVVNL as authorized by JVVNL.

B

9. Right to private practice

The Counsel will have the right of private practice, which should not however, interfere with the efficient discharge of work of JVVNL but he shall not advise, hold briefs or appear against JVVNL before any authority, tribunal or court in the matters under the statutes relating to JVVNL.

If the Counsel happens to be a partner of a firm of lawyers or solicitors, it will be incumbent on the firm, not to take up any case against JVVNL in various Courts/forum/commission/ statutory body/authority.

10. The decision of Hon'ble Chairman & Managing Director, JVVNL, Jaipur for empanelment/de-empanelment of the Advocate shall be final and will not be challengeable in any Court of Law.

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Proforma -A

Particulars to be furnished by an advocate applying for empanelment as Counsel

1. Name of the person
- 2*. PAN – Permanent Account Number
3. Father's Name
4. Date of Birth
5. Address for correspondence
6. Permanent address
- 7*. Educational Qualification
- 8*. Date of enrolment in the High Court as counsel.
- 9*. Date of enrolment as member of bar council of India / Rajasthan.
- 10*. If a partner in a firm, name of the firm /names of other partners.
- 11*. Number of cases relating to Electricity/Service matters dealt with during last seven years as an Advocate
- 12*. Number of cases published in Journals / Newspapers / Reportable Judgement (If any)
- 13*(a) Specify suitable reasons / brief description for your empanelment in JVVNL
(b) Special achievements (If any) made
14. Income from Professional Practice (copy of the latest I.T. return to be attached)

Verification

I _____ S/o _____, do hereby declare that what ever have been stated in the above application is true to the best of my knowledge and belief.

Signature of Applicant

Dated :

Place :

*** Applicant to submit documentary proof with respect to aforesaid items/information.**

Proforma 'A-I

Proforma for application by Officer/Employee who have retired/resigned from J.V.V.N.L.

1. Name of the person
- 2* PAN -- Permanent Account Number
3. Father's Name
4. Date of Birth
5. Address for correspondence
6. Permanent address
- 7* Educational Qualification

8. Date of joining in the Department
- 9* Designation and office address of the last post held
- 10* Date of retirement/resignation from the service
- 11* Date of enrolment in High Court as Counsel

- 12* Date of enrolment as member of bar council of India / Rajasthan
- 13* If a partner in a firm, name of the firm /names of other partners

- 14* (a) Specify suitable reasons / brief description for your empanelment in JVVNL
(b) Special achievements (If any) made

15. Income from Professional Practice (copy of the latest I.T. return to be attached)

Verification


I, _____ S/o _____, do hereby declare that what ever have been stated in the above application is true to the best of my knowledge and belief. I further declare that I have not been removed from the service due to any disciplinary proceeding and no disciplinary proceedings under service rules or Pension Rules are pending against me as on date.

Signature of Applicant

Dated:

Place:

* Applicant to submit documentary proof with respect to aforesaid items/information.



Proforma-'B'

Particulars/ evaluation report of an Advocate applying for empanelment as Counsel

1. Name :
2. Date of enrolment in High Court as Advocate :
3. Date of enrolment as member of Bar Council of India / Rajasthan :
4. Number of cases relating to Electricity / Service Matters dealt with during last seven years as an Advocate :
5. Number of cases published in Journals/Newspapers/Reportable Judgement (If any) :
6. Income from Professional practice :
7. (a) Specify suitable reasons / brief description for empanelment in JVVNL
(b) Special achievements (If any)
8. Concerned Superintending Engineer 's recommendations based on the cases dealt by the applicant with regard to the cases relating to Electricity / Service Matters emanating from the presentation by the Counsel and other factors. :

Superintending Engineer ()



Proforma-C

**Quarterly Performance Report to be sent by jurisdictional Concerned Superintending Engineer
for cases represented by a Counsel**

1.	Name of the case		
2.	Quarterly Report (I/II/III/IV)		
3.	Court/Tribunal before which proceedings are pending		
4.	Particulars of case		
5.	Issues involved		
6.	Name of Counsel representing the case		
7.	(a) Number of adjournments taken (b) Whether proceedings are pending/ case has been decided, (i) in favour of the Department (ii) against the Department (iii) Reasons of losing of case, if any		
8.	Time devoted in interaction with the OIC/Addl OIC.		
9.	Comment(s) of OIC(if any), about quality of drafting, interest taken by the Counsel (at column 7 & 8) overall representation of the case.		
10.	Specific comment(s) of Concerned Superintending Engineer regarding performance of empanelled Advocate for further renewal of term.		

Superintending Engineer ()

Proforma -D

Annual performance report of the empanelled Counsel

1.	Name of the Sub-Division /Division /Circle		
2.	Name of the Counsel		
3.	Date of birth		
4.	Date of first empanelment		
5.	Date of expiry of tenure		
6.	No. & Date of sanction letter vide which previous empanelment/ renewal was granted		
7.	Number of cases handled in Various Courts/Forums during the period under report		
8.	Number of cases decided by the Various Courts/Forums a. in favour of the Department b. against the Department		
9.	Number of Writ Petitions/Appeals/ Revisions /Review handled in Supreme Court /High Court/ AA/ NC//State Commission during the period under report		
10.	Number of SLP/Writ Petitions/Appeals /Revisions/Review decided by the Supreme Court /High Court/ AA/ NC//State Commission a. in favour of the Department b. against the Department		
11.	Number of cases/appeals handled in the DRT/BIFR/AAIFR		
12.	Number of cases out of those in col.11 above, decided a. in favour of the Department b. against the Department		
13.	General assessment of overall performance		

Superintending Engineer (Legal)

Proforma -E

Performance Report of the Counsel for the period from.....to.....

PART-I

1.	Name of the Sub-Division /Division /Circle	
2.	Name of the Counsel	
3.	Date of birth	
4.	Date of 1 st empanelment	
5.	Date of expiry of tenure	
6.	Nb. & Date of sanction letter vide which previous empanelment/ renewal was granted	

PART-II

7.	Number of cases handled in Various Courts/Forums during the period under report	
8.	Number of cases decided by the Various Courts/Forums a. in favour of the Department b. against the Department	
9.	Number of SLP/Writ Petitions/Appeals /Revisions/Review decided by the Supreme Court /High Court/ AA/NC//State Commission during the period under report	
10.	Number of SLP/Writ Petitions/Appeals /Revisions/Review decided by the Supreme Court /High Court/NC/AA/ State Commission a. in favour of the Department b. against the Department	
11.	Number of cases/appeals handled in the DRT/BIFR/AAIFR	
12.	Number of cases out of those in col.11 above, decided a. in favour of the Department b. against the Department	



PART-III

13.	Are you satisfied with the performance of the Counsel		
14.	Does he take keen interest in his work and is generally alert and responsive to the Department's interest in litigation entrusted to him. Specific comments should be given about his promptness in, a. Informing the department from time to time regarding date of hearing of cases, supply of copy of judgement etc. b. Taking steps for vacation of stay		
15.	Recommendation of S.E. (Legal) for further renewal of term		
16.	Any other remarks regarding performance of the Counsel		



Superintending Engineer (Legal)

TERMS & CONDITIONS FOR PANEL ADVOCATES

1. The Advocate shall prepare, in consultation with the Officer Incharge, the reply to the plaint, etc. without delay. In case the officer incharge does not cooperate or come for preparation of the reply within a reasonable time, the Advocate shall intimate on phone or in writing to the S.E.(Legal)/Circle Superintending Engineer concerned for suitable action.
2. After the reply has been filed, the Advocate will be responsible to be present on each date of hearing and may call the Officer Incharge only when it is necessary for preparing arguments/supply of documents and/or any other information.
3. The Advocate will inform the progress/date of hearing of the case from time to time to the concerned Officer Incharge.
4. As soon as the judgement is pronounced, Advocate will apply for a certified copy of judgement and send it to the concerned Superintending Engineer through Officer Incharge with his legal advice for further action.
5. The Advocate will also ensure that timely appeal is filed in the concerned court. In case the Officer Incharge does not cooperate the Advocate in this respect it will be the responsibility of the Advocate to bring the same to the notice of SE(Legal./Supdtg. Engineer concerned.
6. This panel shall be for one year only.
7. The panel lawyer will follow the instructions issued from time to time by the JVVNL.
8. Panel lawyer shall not accept any case against JVVNL.
9. Panel lawyer will send their consent within a week's time.
10. No separate fee allowed to Junior of Panel lawyer.
11. No separate fee allowed regarding drafting charges etc.
12. Panel Lawyer shall get the fees as per Order No. RSEE/F.12 (T&C)/D.103 dated 6th January, 1995.