



भांडागारण विकास और विनियामक प्राधिकरण भारत सरकार

एन सीयू आई भवन, चौथी मंज़िल, 3, सीरी इंस्टीट्यूशनल एरिया, अगस्त क्रान्ति मार्ग,
हौज़ खास, नईदिल्ली - 110016, दूरभाष - :49536496, 49092978

Warehousing Development and Regulatory Authority Government of India

NCUI Building, 4th Floor, 3, Siri Institutional Area, August Kranti Marg,
Hauz Khas, New Delhi - 110016, Tel. No. 49536496, 49092978,

F. No.A-42/3/2020-A& F

NOTICE FOR INVITATION FOR EXPRESSION OF INTEREST (EOI) FOR EMPANELMENT OF ADVOCATE(S) AND/OR LAW FIRM(S)

The Warehousing Development and Regulatory Authority ('WDRA' hereinafter), a statutory organisation constituted under the Warehousing (Development and Regulation) Act, 2007 proposes to empanel Advocates and/or law firm(s) initially for a period of **three years** to assist it in handling its legal work. The detail of Expression of Interest (EOI), including the scope of work and other eligibility criteria for the proposed assignment including format of application can be accessed at www.wdra.gov.in under '**Tenders/EOI**'.

The Advocates and/ or Law firm(s) fulfilling the conditions may submit their Expression of Interest (EOI) together with requisite documents in a sealed envelope superscribing the envelope with "Application for Empanelment of Advocates/ or Law firm(s)" within **30** days from the date of this notice to the Director (A&F), Warehousing Development and Regulatory Authority, 4th Floor, NCUI Building, 3 Siri Institutional Area, August Kranti Marg, Hauz Khas, New Delhi-110016.

For updates/corrigendum, website of WDRA may be visited at regular intervals.

Applications for empanelment at WDRA does not confer any right / assurance whatsoever, to an applicant that they will be empanelled on the panel of WDRA. Letters confirming their empanelment shall be issued separately.

The existing empanelled Advocates/Law firms are also required to apply under this EOI to continue their empanelment.

**(Jeetesh Sharma)
Director (A&F)**

INVITATION FOR EXPRESSION OF INTEREST FOR EMPANELMENT OF ADVOCATE(S) AND/OR LAW FIRM(S)

The Government of India constituted the Warehousing Development and Regulatory Authority on 26.10.2010 under the Warehousing (Development and Regulation) Act, 2007, which came into force on 26.10.2010. The mission of WDRA is to regulate and ensure implementation of the provisions of the Warehousing (Development and Regulation) Act, 2007 for the development and regulation of warehouses, Regulations of Negotiability of Warehouse Receipts and promote orderly growth of the warehousing business.

The powers and functions of the Authority as available on WDRA's website include the following, namely: - Further, these are updated from time to time.

- a) to issue to the applicants fulfilling the requirements for warehousemen a certificate of registration in respect of warehouses, or renew, modify, withdraw, suspend or cancel such registration;
- b) to regulate the registration and functioning of accreditation agency, renew, modify, withdraw, suspend or cancel such registration, and specify the code of conduct for officials of accreditation agencies for accreditation of the warehouses;
- c) to specify the qualifications, code of conduct and practical training for warehousemen and
- d) staff engaged in warehousing business;
- e) to regulate the process of pledge, creation of charges and enforcement thereof in respect of goods deposited with the warehouse;
- f) to promote efficiency in conduct of warehouse business;
- g) to make regulations laying down the standards for approval of certifying agencies for grading of goods;
- h) to promote professional organizations connected with the warehousing business;
- i) to determine the rate of, and levy, the fees and other charges for carrying out the provisions of this Act;
- j) to call for information from, undertaking inspection of, conducting enquiries and investigation including audit of the warehouses, accreditation agencies and other organizations connected with the warehousing business;
- k) to regulate the rates, advantages, terms and conditions that may be offered by warehousemen in respect of warehousing business;
- l) to specify, by regulations, the form and manner in which books of account shall be maintained and statement of accounts shall be

rendered by warehousemen;

- m) to maintain a panel of arbitrators and to nominate arbitrators from such panel in disputes between warehouses and warehouse receipt holders;
- n) to regulate and develop electronic system of holding and transfer of credit balances of fungible goods deposited in the warehouses;
- o) to determine the minimum percentage of space to be kept reserved for storage of agricultural commodities in a registered warehouse;
- p) to specify the duties and responsibilities of the warehouseman;
- q) to exercise such other powers and perform such other functions as may be prescribed.

1. Definition: For the purposes of these Guidelines, the terms used will have the following meaning:

- (i) "Applicant" may be Advocate(s) or Law Firm(s) intending to seek empanelment with WDRA under this EOI.
- (ii) "Advocate" means an advocate, entered in any roll of advocates under the provisions of The Advocates Act, 1961 (The Act).
- (iii) "Competent Authority" shall be Chairman WDRA or any other officer/s so designated by Chairman WDRA.
- (iv) "Court" shall mean all courts of law including Supreme Court, High Courts, District Courts, Tribunals, Commissions, Authorities etc.
- (v) "Effective Hearing" shall mean a hearing in which either one or both parties involved in a case are heard by the Courts/arguments advanced by the Counsel of any of the parties, Examination-in- Chief, cross examination is conducted, issues/ Notices are framed.
- (vi) "Non-effective Hearing" shall mean all hearings which are not covered in the above definition of effective hearing, inasmuch, only adjournment is granted or matter does not reach for hearing or only next date of hearing is given without any hearing.
- (vii) Identical cases/Connected Cases: Two or more cases in which substantially identically question of law or facts are involved and where the main difference is in the names, addresses of the parties concerned, amount of money involved etc., where common or identical judgements are delivered irrespectively of the fact whether all the Cases are heard together or not.

2. Broad Scope of Work:

- i. Handling matters and to represent/appear on behalf WDRA before the Courts and tribunals including Securities Appellate Tribunal, Central Administrative Tribunal, other tribunals, commissions, authorities, etc.
- ii. Drafting and vetting of Notices/its replies, affidavits, applications, petitions, complaints, FIR, replies, written statements, replications, rejoinders, caveats, brief for opinion and any other legal document including deeds, rules, regulations, circulars made under W(D&R) Act 2007(hereinafter referred as “Act”) or any amendment to the Act etc.
- iii. Render legal advice or written opinions, related to matters of the WDRA including cases of civil & criminal nature, service matters and such other matters arising in the course of administration of WDRA as and when referred.
- iv. To prepare and/or vet MoUs, agreements/contracts/RFPs/Tenders/EOI/letters and such other documents as and when desired by WDRA.
- v. Drafting, vetting, settling of correspondences (including comments on behalf of the WDRA on Cabinet notes/ Bills etc.) and finalizing the replies to the communications received by WDRA from other Ministries/Departments/Authorities etc.
- vi. To furnish monthly statement along with the status of the cases represented before various courts/Tribunals or any other authority and their outcomes/ developments/supplying copies of judgement/interim orders;
- vii. To perform such other duties that may be assigned by WDRA.

3. Nature and duration of the Empanelment.

- (i) Applicant is proposed to be empaneled initially for a period of **three years only**. The empanelment would be reviewed after three years. The advocate/Law firm already empaneled would be eligible for re-empanelment subject to satisfactory performance and WDRA’s requirement.
- (ii) Empaneled Advocate/Law Firm shall attend WDRA's office as and when required by WDRA, during the period of empanelment.
- (iii) Empaneled Advocate/Law Firm shall not delegate the cases/assignment entrusted to them by WDRA.
- (iv) In case, Empaneled Advocate/Law Firm desire to withdraw from the empanelment, they may do so by giving three months’ notice. However,

the Authority reserves the right to terminate or curtail the empanelment of any Advocate/Law Firm at any time without assigning any reason thereof.

- (v) It shall be the obligation of Empaneled Advocate/Law Firm to hand over complete records of entrusted cases or assignments to WDRA or to other empaneled Advocate /Law Firm along with no objection, as per the instruction of WDRA.
- (vi) The empanelment shall not confer any right for engagement and/or allocation of cases.

4. Technical Qualification criteria.

- (i) The Applicant shall have their office in Delhi/NCR.
- (ii) The applicant must have at least a Bachelor Degree in Law from a recognized university and registration with a Bar Council of India/State Bar Council. The Advocate-on-record should have been registered with the Supreme Court of India.
- (iii) The Applicant should have experience in contesting the cases or advising Regulatory Bodies or for Central Government/State Government/PSU/other Government bodies for a minimum period of 5 years as on the date of publication of this EOI. Information/Documentary evidence in support to be provided as mentioned in Annex-4.
- (iv) The Applicant should have the minimum practice of 10 years in judicial/legal affairs/profession as on the date of publication of this EOI. Documentary proof in support shall be provided which includes registration certificate in the case of a Law Firm/Copy of Registration with Bar Council in the case of individual advocate. Information/documents to be furnished as mentioned in Annex-4.
- (v) The Applicant should have experience in handling minimum 10 cases of Government Departments/PSU during the last 5 years as on the date of publication of this EOI. Information/documents to be furnished as mentioned in Annex-4.
- (vi) The Applicant should have experience of practicing in the Supreme Court of India for a minimum period of 5 years as on the date of publication of this EOI. The information/documents to be furnished as mentioned in Annex-4.
- (vii) Applicant should not have been penalized by any Bar Council in any Disciplinary proceeding. An undertaking stating the same must be submitted along with the EOI in a format at Annexure-3.

- (viii) Applicant should possess the eligibility criteria as mentioned herein above in clauses (i) to (v) of technical qualification criteria.
- (ix) Merely fulfilling technical qualification shall not automatically entitle for empanelment.

5. Condition on Payment of fees.

- (i) The fee payable shall be governed by the Schedule of fees at Annexure-5.
- (ii) The fee payable to the Empanelled Advocate/Law Firm in identical/connected cases shall be full appearance fee (as applicable) in the main case and 25% appearance fees in each of the connected case(s).
- (iii) The fee payable to the Empaneled Advocate/Law Firm for non-effective hearing shall be only 25% of the appearance fees, as applicable.
- (iv) If an Attorney General of India/Solicitor-General of India/Additional Solicitor General/Advocate General/Designated Senior Advocates of extraordinary repute is engaged to defend or contest or obtaining legal opinion in any case/issue of WDRA, the fee payable to him/her will be subject to the approval of Competent Authority.
- (v) If the Empanelled Advocate/Law Firm is required to travel outstation in connection to a case or w.r.t any other issue where interest of WDRA is involved, the Empanelled Advocate/Law Firm shall be entitled to claim travelling expenses (travel and/or stay and/or food) on actuals subject to maximum limit admissible to the Director of the WDRA.
- (vi) The Empanelled Advocate/Law Firm shall not be paid any additional fees for providing legal opinion pertaining to the court case being handled.
- (vii) Conference charges shall be admissible only when representative of the WDRA remains present during the conference or certified by WDRA officials.
- (viii) If situation warrants, Empanelled Advocate/Law Firm can be engaged on a lumpsum basis with the approval of the Competent Authority. In such situation the consolidated fee payable to applicant for conducting arbitration/Litigation shall be released in parts as per the following stages:
 - (a) 20% of the lumpsum fees on completion of pleadings.
 - (b) 20% of the lumpsum fees on completion of evidence.
 - (c) 40% of the lumpsum fees on conclusion of final arguments but the Award/Judgment are yet to be passed.
 - (d) 20% of the lumpsum fees on receipt of final Award/Judgment and legal opinion from the advocate for further course of action.
 - (e) If there is a change of advocate for any reason(s) whatsoever including return of brief, then the new advocate is entitled for pro-

rata payment depending upon the stage at which the matter is entrusted.

- (ix) Interest shall not be paid for any delayed payment.

6. Documents to be submitted by the Applicant.

The Applicant will be required to furnish the following documents along with the application as per format of Annexure I or 2, whichever is applicable:

- i) In case of Law firm, the EOI shall be signed by the authorized signatory:
- ii) **If Partnership Firm:** Submit authorization letter in favor of partner/person signing the EOI as per Annexure 6.
 - (a) **If LLP:** Power of Attorney in favor of the person signing the EOI along with letter of Authorization as per Annexure 6.
 - (b) **If Company:** Submit BOD resolution /Power of Attorney in favor of person signing the EOI along with letter of Authorization as per Annexure 6.
- iii) Documentary proof establishing that office of applicant is in Delhi/NCR.
- iv) Copy of Law Degree of applicant.
- v) Copy of Registration Certificate of applicant issued by the Bar Council.
- vi) A declarartion-cum-undertaking be submitted along with the EoI as per Annexure 3.
- vii) Copies of documents mentioned in application format at Annexure 1 or 2.
- viii) Resume' with a brief profile of experience, background, education, list of clients/Govt empanelled and nature of cases dealt with.
- ix) Two recent coloured passport size photographs. (In case of law firm photograph of authorised person is to be attached)
- x) Documents as required in Annexure 4.
- xi) Any other document in support.

Provided that:

- (i) No application sent through email will be entertained for empanelment.
- (ii) The applications received will be short listed which meets the eligibility criteria.
- (iii) Applicant who are empanelled shall be informed about such empanelment as and when the process is complete. WDRA shall not entertain any request or query from any applicant on the status of their empanelment at any time.

7. Submission of EOI

The applicant is required to submit duly signed bid documents in sealed envelope along with all annexures 1 to 6 superscribing the envelope with “Application for Empanelment as Advocate/Law Firm” on it to the address mentioned in the Notice/Advertisement.

8. Evaluation of Bid

8.1 The Technical Bids will be evaluated in the following manner:

(a) The Technical component mentioned in Annexure 4 will be assigned weightage against different technical parameters in the following manner: -

Sr. No.	Criteria	Weightage	
1.	Name & Address of Applicant.	Years of experience	Weightage (Marks)
2.	The Applicant should have experience in contesting the cases or advising Regulatory Bodies or for Central Government/State Government/PSU/other Government bodies for a minimum period of 5 years as on the date of publication of this EOI.	5 years	10
		>5 years	1 mark for each completed additional year of Experience, max upto 15
3.	The Applicant should have the minimum practice of 10 years in judicial/legal affairs/profession as on the date of publication of this EOI.	Years of practice	Weightage (Marks)
		10 years	15
		>10years	1 marks for each completed additional year of

			practice, max upto 15....
4.	The Applicant should have experience in handling minimum 10 cases of Government Departments/PSU during the last 5 years as on the date of publication of this EOI.	No. Of cases handled	Weightage (Marks)
		10cases	15
		> 10 cases	1 marks for each additional case handled, max upto 15.
5.	The Applicant should have experience of practicing in the Supreme Court of India for a minimum period of 5 years as on the date of publication of this EOI.	Years of practice in Supreme Court	Weightage (Marks)
		5 years	10
		>5years	1 marks for each completed additional year of practice, Max upto 05

(b) The marks scored by individual bidder against each parameter shall be calculated.

9. General Terms and Conditions:

- i. An application for empanelment does not confer any right/assurance whatsoever that applicant will be empaneled with WDRA.
- ii. The applicant must have read all the terms and conditions set out in this EOI and accept the same without any deviation
- iii. The applicant who is presently on the panel of WDRA or had applied against previous EOI for empanelment is also required to apply afresh to this notice of EOI.
- iv. WDRA reserves the right to accept or reject any or all the applications at any stage of empanelment without assigning any reason thereof and no

claim/dispute in this regard shall be entertained and any decision taken by WDRA in this regard will be binding on applicant/s.

- v. WDRA reserves the right to verify/cross check the information furnished /submitted by the applicant.
- vi. The size of the panel shall be determined by WDRA on the requirement basis and scores attained by the applicant under this EOI. Applicant have no right to claim for empanelment.
- vii. WDRA at its discretion shall assign any work/assignments of its choice to any empaneled Advocate/Law Firm and no right exists for an empaneled Advocate/Law Firm to claim any such work/assignment. W
- viii. DRA reserves its right to entrust work outside the empanelment.
- ix. If required and considered appropriate by the Competent Authority, Attorney General of India/Solicitor-General of India/Additional Solicitor General/Advocate General/Designated Senior Advocates may be engaged by WDRA keeping in view the urgency and importance of a particular matter. They shall be engaged on case to cases basis with the approval of the Competent Authority.
- x. In case of empanelment of Law Firms, all the terms and conditions for empanelment of the individual Advocates shall apply mutatis mutandis to them
- xi. The applicant should not have a conflict of interest with WDRA vis-à-vis with their clients in dealing with its cases/ furnishing opinions etc. and breach thereof shall result in de-empanelment. The applicant shall also not advise any party or accept any case against the WDRA.
- xii. The applicant must submit readable and valid documentary proof along with application form else application will be summarily rejected.
- xiii. Conditional bid shall be summarily rejected.

10. Communication of Empanelment:

After decision to empanel the Applicant is taken, a communication in writing to this effect shall be sent to the Applicant with the acknowledgement and acceptance due. The process of empanelment shall

be complete when the WDRA receives an acceptance letter from the Applicant.

11. Disablements:

Disablement on the part of the Applicant shall mean and include any of the following:

- (i) Giving false information in the application for empanelment.
- (ii) Handing over the brief or matter to another advocate without prior written permission of the WDRA.
- (iii) Not acting as per the WDRA's instructions or going against the specific instructions passed by WDRA.
- (iv) Not returning the brief when demanded or not allowing or evading to allow its inspection on demand.
- (v) Making any of his associates or juniors to appear on behalf of any of the opposite parties in cases related to WDRA.
- (vi) Committing an act tantamount to contempt of court or professional misconduct.
- (vii) Conviction of Advocate in any offence resulting in arrest or detention or disbarment by the Bar Council.
- (viii) Passing on information relating to the WDRA to anyone which is likely to cause damage to the WDRA's interests.
- (ix) Giving false or misleading information to the Authority relating to the proceedings of the case

Empanelment shall be liable to be cancelled due to occurrence of any of the above disablements on the part of the applicant.

12. Removal of Difficulty:

In the matter of implementation of these guidelines if any doubt or difficulty arises or doubt regarding the interpretation of any clause of these guidelines arises, the decision of WDRA shall be final.

Disputes, if any, in relation to the empanelment shall be subject to exclusive jurisdiction of courts at New Delhi only.

13. Private Practise and Restriction:

An applicant shall have the right to private practice which should not, however, interfere with or be in conflict with the interest of WDRA & efficient discharge of his duties.

14. Confidentiality:

The empanelled advocate/Law firm shall maintain absolute secrecy and confidentiality about the cases/issues of the WDRA and any other information acquired during the empanelled period with WDRA.

(Jeetesh Sharma)
Director (A&F)

ANNEXURE-1
FORMAT OF APPLICATION FOR ADVOCATE

- 1) Name of the Advocate:
- 2) Date of Birth:
- 3) Educational Qualifications:
- 4) Date of enrolment and the name of the Bar Council:
- 5) Period of practice:
- 6) Details of experience/practice:
- 7) Area of practice:
- 8) Specialization, if any.
- 9) The courts where the Advocate is regularly practicing (Enclose Bar Association Membership Certificate)
- 10) Date of enrolment as an Advocate – on – record of the Supreme Court and Registration No.
- 11) Whether dealt/or advice with any cases against WDRA in past. If yes, then the details may be given.

I hereby declare that I have verified the details indicated above and also confirm that all the information submitted is true to the best of my knowledge.

Signature of Advocate

Address:

ANNEXURE-2

FORMAT OF APPLICATION 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:
- 6) The courts where the Advocates of the firm are regularly practising:
- 7) Date of enrolment as an Advocate – on – record of the Supreme Court and Registration No. (If having AOR in the firm):
- 8) Whether dealt/or advice with any cases against WDRA in past. If yes, then the details may be given:

I hereby declare that I have verified the details indicated above and also confirm that all the information submitted is true to the best of my knowledge.

Signature of Authorized signatory

Address:

ANNEXURE-3
Declaration cum Undertaking

I/We,..... (Advocate/Law Firm), having Registered office
at.....

.....

....., hereby, declare that I have verified the details indicated
here-in-above and also confirm that all the information submitted is true to
the best of my /our knowledge & belief. In case of any mis-
representation/violation/non adherence of any terms and conditions
mentioned in the policy, WDRA may reject my application at any stage of
empanelment without providing any reason.

I/We declare that I/We have never been penalized by any Bar Council in any
disciplinary proceedings.

I/We further declare that, at present, I/We am not handling any case/ matter
against WDRA.

Furthermore, any information shared by WDRA during the period of
empanelment will be confidential information and I will not share, upload or
quote, inform to any person, firm or organization under any circumstances
what-so-ever. I also undertake that in case any legal action is initiated by
concerned Advocate /Law firm, I will not make WDRA as party of legal
proceedings and will not make WDRA liable/ responsible to any act or
omission liable to pay any amount, claim, compensation or damages.

(Signature _____) (Name: _____)

(Advocate/Law Firm)
(With Seal)

Date:
Place:

(Advocate

ANNEXURE-4

Details of Technical Parameters

Name of the Applicant and its Delhi/NCR Address.	
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The Applicant should have experience in contesting the cases or advising Regulatory Bodies in India or Central Government/State Government/PSU/other Government bodies for a minimum period of 5 years as on the date of publication of this EOI. Documentary evidences of cases/work assigned or the empanelment letter for the said purpose by Regulatory bodies or Central Government/State Government/PSU/other Government bodies need to be submitted.	Name of the Regulatory Authority or Central Government /State Government /PSU/other Government bodies	Nature of cases handled	Assignment and/or empanelment letter date	Document attached (Give page no.)

The applicant should have the minimum practice of 10 year in judicial/legal affairs/profession as on the date of publication of this EOI. Furnish documentary proof of registration certificate if it is a Firm/Copy registration with Bar Council in case applicant is an individual advocate.		Name of the applicant.	Date of enrolment along with Copy of Law Firm's registration Certificate/ copy of registration details of advocate in the Bar Council.	Document attached (Give page no.)
The applicant should have the experience in	Name of Govt. Dept.	Nature of cases handled	Documents Dated.	Document attached

handling minimum 10 cases of Government Department during last 5 years as on the date of publication of this EOI . Furnish documentary proof.				(Give page no.)

The applicant should have been practicing in the Supreme Court of India for minimum period of 5 years as on the date of publication of this EOI.	Name of applicant.	Period of practice in Supreme Court/Advocate on Record.	Attach documents which proves practicing in Supreme Court (Give page no.)

ANNEXURE-5
SCHEDULE OF FEES

The heads/ items of fee per instance and other terms and conditions are as under:

S.No.	Items/Heads	Fees (in Rs./-)
1.	Fee for drafting/ vetting of (including cost towards initial briefing, all conferences, reading papers/ documents, legal research, finalization of drafts and other similar work like preparing of legal opinion etc.)	
	a) Petitions/ Complaints (before court)/Appeals /Writ Petition/ SLP	25,000
	b) Counter claim/ Counter Affidavit/replies/written submissions, etc.	25,000
	c) Rejoinder	15,000
	d) Additional affidavit/ settlement agreement	10,000
	e) Interim/ interlocutory/ impleadment application/ Miscellaneous applications.	8,000
2.	Fee for drafting/ vetting of (per case):	
	a) Agreements/MOU/letters/settling correspondence.	6,000
	b) RFPs/ Contracts and other related documents (per case)	15,000
	c) Show cause notices/ Termination orders/ police complaints.	6,000
	d) Legal notices to be issued/ reply to legal notices	8,000
	e) Any new Rules/ Regulations/ or any amendment to the Rules or Regulations	8,000
3.	Fee for appearance in Supreme Court of India / High Court at Delhi, per effective hearing	25,000
4.	Fee for appearance in District Courts and Tribunals per effective hearing.	15,000
5.	Fee for appearance in outstation Courts/ Tribunals, per effective hearing.	30,000
6.	Conference.	5,000
7.	Fee for giving written legal opinion	8,000
8.	Misc. Expenses including Clerical charges e.g., photocopy, typing, binding, courier/postage charges etc. shall be paid as per actual on production of documentary evidence e.g. cash memo/receipt for having spent the amount subject to maximum of 10% of applicable fee.	

Any item not covered in this schedule, shall be dealt with on case-to-case basis in accordance with the approval of the competent authority.

Annexure-6

Certificate of Authorization

..... is authorized on behalf of (name of law firm) to sign and submit the EOI documents in reference to EOI No. **F. No.A-42/3/2020-A& F dated and** agree to abide the Terms & Conditions mentioned in this EOI and binding on me/us.

(Name & designation of
signatory)

Name and seal of the Law firm

Date: