



**Warehousing Development and Regulatory Authority
Government of India**

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



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

12th April, 2021

**NOTICE FOR INVITATION FOR EXPRESSION OF INTEREST (EoI) FOR
EMPANELMENT OF SR. ADVOCATES/ADVOCATES AND/OR FIRM(S) OF LEGAL
CONSULTANT**

The Warehousing Development and Regulatory Authority, a statutory organisation constituted under the Warehousing (Development and Regulation) Act, 2007 proposes to empanel Senior Advocates/Advocates and/or firm(s) of Legal Consultant initially for a period of three years to assist it in handling its legal work. The details 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**’.

2. The Senior Advocates/Advocates and/or firm(s) of Legal Consultant fulfilling the conditions may submit their Expression of Interest (EoI) together with requisite documents within 30 days from the date of publication of this notice in the newspaper 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, superscribing the envelope with “Empanelment of Senior Advocates/Advocates and/or firm(s) of Legal Consultant”.

**(Ganesh A Bakade)
Director (A&F)**

INVITATION FOR EXPRESSION OF INTEREST FOR EMPANELMENT OF SR. ADVOCATES/ADVOCATES AND/OR FIRM(S) OF LEGAL CONSULTANT

1. 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 Warehousing Development and Regulatory Authority(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 include the following, namely:-

- (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 staff engaged in warehousing business;
- (d) to regulate the process of pledge, creation of charges and enforcement thereof in respect of goods deposited with the warehouse;
- (e) to promote efficiency in conduct of warehouse business;
- (f) to make regulations laying down the standards for approval of certifying agencies for grading of goods;
- (g) to promote professional organizations connected with the warehousing business;
- (h) to determine the rate of, and levy, the fees and other charges for carrying out the provisions of this Act;
- (i) 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;
- (j) to regulate the rates, advantages, terms and conditions that may be offered by warehousemen in respect of warehousing business;
- (k) 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;
- (l) to maintain a panel of arbitrators and to nominate arbitrators from such panel in disputes between warehouses and warehouse receipt holders;

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

2. **Scope of Work:** The empanelled Senior Advocates/Advocates and/or firm(s) of Legal Consultant shall be required to assist the WDRA in the following activities as assigned from time to time.

- (i) Rendering Legal opinion
- (ii) Assistance in drafting regulations, notices etc.
- (iii) Legal vetting of orders, decisions, concept papers, bidding documents, undertakings/indemnity bonds to be obtained from entities.
- (iv) Review of regulations based on practical working
- (v) Assistance in preparing record note of proceedings of various hearings
- (vi) Handling matters before the High Court and Supreme Court. This will include representing WDRA before the Supreme Court of India, High Courts of India and various district/subordinate courts.
- (vii) To perform such other work of a legal nature as may be entrusted from time to time.

3. **Nature and duration of assignment:-**

- (i) Senior Advocates/Advocates and/or firm(s) of Legal Consultant are proposed to be empanelled initially for a period of three years only. The empanelment would be reviewed after three years. The advocate already empanelled would be eligible for re-empanelment subject to satisfactory performance.
- (ii) Senior Advocates/Advocates and/or firm(s) of Legal Consultant shall attend/depute legal experts at the WDRA's office as and when required during the consultancy period.
- (iv) Sr. Advocates/Advocates shall not delegate the cases and shall deal the cases himself/herself.
- (v) In case, Senior Advocates/Advocates and/or firm(s) of Legal Consultant desire to withdraw from the consultancy services, they may do so by giving three months notice. However, the Authority reserves the right to terminate or curtail the consultancy period without assigning any reason thereof by giving similar notice of three months.

4. **Technical Qualification criteria**

- (i) The firm(s) of Legal Consultant/Advocates should have office(s) in Delhi.
- (ii) The firm(s) of Legal Consultant/Advocates should have experience of advising Regulatory Bodies in India on legal issues arising out of implementation of Regulatory Act, policy, rules/regulations made there under for a minimum period

of 5 years as on February, 2021. Information/Documentary evidences of cases assigned by Regulatory Bodies to be as mentioned in Annex-B.

- (iii) The Firm of Legal Consultant/Advocates should have the minimum practice of 10 years in judicial/legal affairs/profession as on February, 2021 subject to furnishing documentary proof in support of registration certificate in the case of a Firm/Copy of Registration with Bar Council in the case of individual advocate. Information/documents to be furnished as mentioned in Annex-B.
- (iv) The Firm of Legal Consultant/Advocates should have experience in handling minimum 10 cases of Government Departments during the last 5 years (till February, 2021). Information/documents to be furnished as mentioned in Annex-B.
- (v) The Firm of Legal Consultant/Advocate should have experience of practicing regularly in the Supreme Court of India, including Advocate on Record of the Supreme Court for a minimum period of 5 years as on February, 2021. The information/documents to be furnished as mentioned in Annex-B.

5. General Terms and Conditions

- (i) Senior Advocates/Advocates and/or firm(s) of Legal Consultant shall not be allowed to take up any case coming before the WDRA in any of its proceedings during the period when the Senior Advocates/Advocates and/or firm(s) of Legal Consultant is empanelled with WDRA.
- (ii) Senior Advocates/Advocates and/or firm(s) of Legal Consultant should not have a conflict of interest in dealing with its cases/advice etc. and any breach thereof shall lead to cancellation of the empanelment.
- (iii) Senior Advocates/Advocates and/or firm(s) of Legal Consultant during the currency of the assignment or after conclusion of the assignment shall not disclose or make use in any manner, any information/data or any other material whether written or oral collected in connection with the assignment without the prior written consent of the Authority. Furthermore, such material shall be the property of WDRA.
- (iv) Conditional bids shall be summarily rejected

6. Submission of Bid

The applicant is required to **submit separate bids for Technical and Financial, duly sealed in separate envelopes** as per Annexure-B&C.

7. Evaluation of Bid

7.1 Evaluation of Technical Bid

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

The Technical component mentioned in Annex-B will be assigned weight against different technical parameters in the following manner:-

7.1(a) For Firm of Legal Consultant

Sr. No.	Criteria	Weightage	
1.	Name & Address of Firm/Advocate		
		Years experience	of Weightage (Marks)
2.	Firm of Legal Consultant experience of advising Regulatory Bodies in India on legal issues arising out of implementation of Regulatory Act, policy, rules/regulations made there under for a minimum period of 5 years as on February, 2021 (Refer clause 4(ii))	<5 years	NIL
		5 years	10
		>5 years	1 marks for each additional year of experience
3.	The Firm of Legal Consultant should have the minimum practice of 10 years as on February, 2021 in judicial/legal affairs/profession [Refer clause 4(iii)]	Years of practice	Weightage (Marks)
		<10 years	NIL
		10 years	10
		>10years	1 marks for each additional year of practice
4.	The Firm of Legal Consultant/Advocate should have the experience in handling minimum 10 cases of Government Departments during last 5 years as on February, 2021 [Refer clause 4(iv)]	No. Of cases handled	Weightage (Marks)
		<10cases	NIL
		10cases	10
		>10 cases	1 marks for each additional case handled
5.	The Firm of Legal Consultant should have Sr. Advocate/Advocate practicing regularly in the Supreme Court of India including Advocate on Record of the Supreme Court for a minimum period of 5 years as on February, 2021. [Refer clause 4(v)]	Years of practice in Supreme Court	Weightage (Marks)
		<5 years	NIL
		5 years	10

		>5years	1 marks for each additional year of practice
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7.1 (b) For Individual Advocate

Sr. No.	Criteria	Weightage	
1.	Name & Address of Advocate	NIL	
		Years of experience	Weightage (Marks)
2.	Advocate's experience of advising Regulatory Bodies in India on legal issues arising out of implementation of Regulatory Act, policy, rules/regulations made thereunder for a minimum period of 5 years as on February, 2021 [Refer clause 4(ii)]	<5 years	NIL
		5 years	10
		>5 years	1 marks for each additional year of experience
3.	The Advocate should have the minimum practice of 10 years as on February, 2021 in judicial/legal affairs/profession [Refer clause 4(iii)]	Years of practice	Weightage (Marks)
		<10 years	NIL
		10 years	10
		>10years	1 marks for each additional year of practice
4.	The Advocate should have the experience in handling minimum 10 cases of Government Departments during last 5 years as on February, 2021 [Refer clause 4(iv)]	No. Of cases handled	Weightage (Marks)
		<10cases	NIL
		10cases	10
		>10 cases	1 marks for each additional case handled
5.	The Advocate should be practicing regularly in the Supreme Court of India including Advocate on Record of the Supreme Court for a minimum period	Years of practice in Supreme	Weightage (Marks)

	of 5 years as on February, 2021. [Refer clause 4(v)]	Court	
		<5 years	NIL
		5 years	10
		>5 years	1 marks for each additional year of practice

- 7.1 (c) The marks scored by individual bidder against each parameter shall be calculated. The threshold value for technical qualification shall be minimum of 50 marks.
- (d) Financial bids of the bidders who failed to attain the threshold value of 50 marks shall not be opened.

7.2 Financial Bid and its Evaluation:

- (i) No retainer fee shall be paid to any empanelled firm of Legal Consultant/Advocate.
- (ii) Rates may be quoted in the proforma enclosed at Annexure-C.
- (iii) The fee and charges shall be firm during the contract period and no escalation shall be permitted for any reason.
- (iv) 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 legal fee.
- (v) Proper invoice/bill shall be raised by the Advocate/Legal Firm with PAN No. etc. for the fee charges etc.
- (vi) All payments are subject to deduction of TDS as per applicable rate.
- (vii) The bid with lowest quote shall be considered as lowest bidder (L-1).
- (viii) The L-1 rate will be offered to all the bidders found qualified in technical evaluation under 7.1 and whose financial bids have been opened. On acceptance, they will also be empanelled.
- (ix) Conditional bid shall be summarily rejected.

(Ganesh A Bakade)
Director (A&F)

GENERAL INFORMATION:**Annex-A**

1.	Name and address of the Firm/Advocate				
2.	Name & Designation of the Key Person				
3.	Contact address of the Key Person (e-mail/fax/telephone)			E-mail: Telephone: Mob:	
3.	Details of the advocate(s)				
	Name	Age	Qualification	Experience	Bar Council Registration no. & date

(vi) Additional information (if any)

(Signature)
Authorised signatory

Details of Technical parameters

Annexure-B

Name of the Firm/Advocate and its Delhi Address	
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The firm(s) of Legal Consultant/Advocate should have experience of advising Regulatory Bodies in India on legal issues arising out of implementation of Regulatory Act, policy, rules/regulations made there under for a minimum period of 5 years as on February, 2021. Documentary evidences of cases assigned by Regulatory Bodies need to be submitted.	Name of Regulatory Authority	Nature of cases handled	Assignment allotment letter date	Document attached (Give page no.)

The Firm of Legal Consultant/Advocate should have the minimum practice of 10 years in judicial/legal affairs/profession as on February, 2021. Furnish documentary proof of registration certificate if it is a Firm/Copy of registration with Bar Council in case applicant is individual advocate.	Name of the Firm/ Advocate name	Firm's registration certificate/ copy of registration of advocate with Bar Council	Document attached (Give page no.)

The Firm of Legal Consultant/Advocate should have the experience in handling minimum 10 cases of Government Departments during last 5 years as on February, 2021. Furnish copy of letters assigning cases.	Name of Govt. Deptt.	Nature of cases handled	Assignment allotment letter date	Document attached (Give page no.)

Firm of Legal Consultant/Advocate should have be practicing regularly in the Supreme Court of India including Advocate on Record of the Supreme Court for a minimum period of 5 years as on February, 2021	Name of Firm/Advocate Name	Period of practice in Supreme Court/Advocate on Record	Attach documents which proves practicing in Supreme Court (Give page no.)

FINANCIAL QUOTE FOR THE LEGAL CONSULTANCY

SCHEDULE OF LEGAL FEES

Annexure-‘C

Sl. No.	Name of the Firm/Advocate Particulars	Fee
1.	BEFORE SUPREME COURT:	
(a)	In writs, civil or criminal revisions/appeals/Arbitral Matters etc;	
(i)	Appearance	Rs.
(ii)	Drafting of Special Leave Petition/ writ/counter affidavit/ rejoinder/ appeal/interim application/ reply to interim application/affidavit/rejoinder to the application, etc.	
(b)	Filing of caveat application	Rs.
1	Fee payable to Advocate on Record	Rs.
2.	BEFORE HIGH COURT	
(a)	In writs, civil suit/counter claims or civil or criminal revisions/ appeals/ petitions/ Arbitral Matters/any other petition etc.	
(i)	Appearance	Rs.
(ii)	Drafting of writs/counter affidavit/ rejoinder, civil suit/written statement/replication or civil or criminal revisions/ appeals/ petitions/ reply/ appeal/interim application/reply to interim application/affidavit/rejoinder to the application/any other petition etc.	Rs.
(b)	Filing of caveat	Rs.
3.	BEFORE DISTRICT COURTS:-	
(i)	Appearance before District Court/City Civil Court/Consumer Court/Small Causes Court/Appellate Tribunal	Rs.
(ii)	Drafting of civil suit/written statement/replication or civil or criminal revisions/appeals/petitions/etc. or any other petition/ reply/appeal/interim application/reply to interim application/affidavit/rejoinder to the application etc.	Rs.
4.	Before any other Authorities/ Tribunals/ Commission/Forum/EO/Labour Court/CIC etc. (Other than 1 to 3 above)	
(i)	Appearance	Rs.
(ii)	Drafting of petition/ reply/ rejoinder/ appeal/ interim application/reply to interim application/affidavit/rejoinder to the application etc.	Rs.

5.	Technical Legal Expert (Before Arbitral Tribunal)	
(i)	Appearance	Rs.
(ii)	Drafting of claims/counter claims/ rejoinder/ statement of defence/interim application/Reply to interim application/Affidavit/Rejoinder to application and agreement etc.	Rs.
(iii)	Study of documents	Rs.
(iv)	Conference with client's representatives/Legal Counsel	Rs.
	OTHER LEGAL WORKS	
6.	Vetting of documents/conveyance deed/any other agreements/deed etc.	Rs.
7.	Drafting of legal opinion/brief for legal opinion/notices/reply to notice	Rs.
8.	Drafting of FIR/complaint etc.	
9.	Consultation/Conference	
(a)	In the office of counsel	Rs.
(b)	Any other place	Rs.
(c)	Site Inspection (time spent also to include travel time)	
(d)	Conference with Senior Counsel	
	(i) Before Supreme Court	Rs.
	(ii) Before High Court	Rs.
	(iii) Before District Court	Rs.
	(iv) Before any other Authorities/ Tribunals/ Commission/Forum/EO/Labour Court/CIC etc.	Rs.

NOTE: The above quotes are subject to conditions mentioned under Clause 7.2

(Authorised Signatory)

Name:

Date:

Annexure-'D'

Certificate of Authorisation

The undersigned is authorised to sign the EOI documents and agree to abide by the Terms & Conditions mentioned in this EOI and binding on me/us.

(Signature)

Name:

Designation:

Date: