



**EXPRESSION OF INTEREST (EOI) FOR EMPANELMENT OF ADVOCATES/ LEGAL FIRM FOR LEGAL SERVICES TO SFAC**

Small Farmers' Agribusiness Consortium (SFAC), an autonomous Society under the administrative control of Department of Agriculture, Cooperation and Farmers Welfare, Govt. of India is implementing Central Sector Scheme for Agri-business Development. Please visit website [www.sfacindia.com](http://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 obtains post dated cheques from borrowers before release of VCA. In cases of bouncing of cheques, legal action is initiated under section 138 of 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.

In order to handle the above mentioned legal matters as well as tasks/duties/functions listed at page no. 2 of this EOI, SFAC seeks to empanel eligible Advocates/Law Firms on contractual basis for handling SFAC's cases before District Courts/High Court/ Hon'ble Supreme Court of India/ Indian Council of Arbitration, New Delhi and outside Delhi. SFAC invites applications from eligible Advocates/Law Firms, having office (s) at places where SFAC's cases are pending and likely to be filed in different District Courts/High Courts, apart from details given in Annexure-1.

The objective of this advertisement is to identify and empanel eligible Advocates /Law Firms having requisite capability, experience & expertise and are interested in providing services to SFAC at the professional fee as prescribed by SFAC at Annexure-3. It may be mentioned that existing empanelled advocates/firms shall apply afresh under terms and conditions mentioned in this EOI.

### **Illustrative nature of tasks /duties /functions:**

1. Notices u/s 138 of Negotiable Instrument Act/Arbitration and Conciliation Act for recovery of dues.
2. Drafting/filing and attending court cases u/s 138 of Negotiable Instrument Act/Arbitration and Conciliation Act/Civil Suit for recovery/Execution Petition/Objections /Revision/Appeal /Review and other cases, if any.
3. Preparation of various agreements, including loan scheme etc.
4. To tender legal opinion on the issues coming before SFAC.
5. Advice, scrutinize and prepare para-wise comments and petitions filed for and against SFAC.
6. Prepare and maintain the list of pending court cases.
7. Matters regarding lease agreement.
8. Issue related to property tax.
9. Perform such other work of legal nature, as may be entrusted from time to time by SFAC.

The SFAC reserves the right to empanel the applicants based on their qualification, experience and suitability. Short listed applicants shall be called for personal discussion/talk. The applicant called for personal discussion/talk is not entitled for any TA/DA/accommodation etc.

### **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.

**Methodology and Selection:** The application received will be evaluated on the basis of methodology & selection criteria as stipulated in Annexure-2. There will be a cut off of 60 marks which can be suitably changed by the Authority of SFAC depending upon the responses received in order to reach the desired strength of empanelled advocates.

**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 at Annexure-3. 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 (Annexure-3). 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.

**Process after submission of Applications:**

- i. All applications received on or before the last date and time will be examined by the SFAC to determine if they meet eligibility criteria/terms and conditions mentioned in this document including its subsequent amendment(s), if any, and whether applications are complete in all respects.
- ii. On scrutiny, any application not found in order or failing to fulfill the relevant requirement will be rejected.
- iii. SFAC reserves the right to relax/waive any of the requirements of this Expression of Interest document if it is deemed fit.
- iv. SFAC may shortlist the applicants who fulfill the eligibility criteria, have experience and capability as per its requirement and who agree to abide by the terms and conditions of the SFAC.
- v. SFAC reserves the right to accept or reject any or all applications received without assigning any reason whatsoever and the SFAC's decision in this regard will be final. No contractual obligation whatsoever shall arise from the application process.
- vi. Any effort on the part of applicant to influence evaluation process may result in rejection of the application.
- vii. SFAC is not responsible for non-receipt of applications within the specified date and time due to any reason including postal delays or holidays in between.

**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 5.

### **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) Lease/Rental Agreement, Title deed of office space.
- 7) Proof/Pictures of office showing furniture, library, Journals, Computers etc.
- 8) Any other supporting documents.

### **Submission of Expression of Interest:**

Applications in the prescribed format as per annexure-4 are invited in sealed envelope superscripted as <**Application for empanelment of Advocates/Legal firm for legal services to SFAC**>. Sealed cover should contain the firms/individual credentials/ their field of specialization/ experience/ name of the clients.

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

**Last date and time for submission of EOI: 12/04/2021 - 5:00 PM**

## Indicative List of centers where cases are pending\*

Sl. No.	State	Name of Districts where cases are pending in respective District Courts/High Courts	Nature of Cases
1	Andhra Pradesh	Rajahmundry, Hyderabad, Chittoor.	Execution of Awarded cases & any other cases, if any.
2	Arunachal Pradesh	Itanagar (Yupia).	-do-
3	Assam	Tezpur, Kamrup Metro, Lakhimpur, Guwahati	-do-
4	Delhi	New Delhi.	U/s 138 NI Act / Arbitration and Conciliation Act/Civil Suit & other cases, if any.
5	Gujarat	Himmatnagar, Surat, Jam Nagar, Mahuva, Ahmedabad.	Execution of Awarded cases & any other cases if any.
6	Himachal Pradesh	Kullu, Solan, Shimla.	-do-
7	Jammu & Kashmir	Budgam, Srinagar, Samba.	-do-
8	Karnataka	Bidar, Belgaum, Bijapur, Tumkur, Bellary, Bengaluru.	-do-
9	Kerala	Ernakulam, Thiruvananthapuram, Thrissur, Kollam, Thalsery.	-do-
10	Madhya Pradesh	Bhopal, Jabalpur.	-do-
11	Maharashtra	Pune, Nanded, Latur, Nashik, Sangli, Solapur, Buldhana, Mehkar, Satara, Beed, Karad, Mumbai.	-do-
12	Manipur	Senapati, Imphal.	-do-
13	Meghalaya	West Goro Hills, Shillong.	-do-
14	Nagaland	Dimapur, Mokokchung.	-do-
15	Punjab	Fategarh Sahib, Amritsar, Chandigarh.	-do-
16	Tamil Nadu	Krishnagiri, Coimbatore, Thirunelveli, Tirupur, Chennai.	-do-
16	West Bengal	Kolkata, Darjeeling.	-do-

\*Other states and districts are likely to be enlisted depending on new cases likely to be filed.

## Methodology and selection scoring pattern

<b>Parameters</b>	<b>Score</b>	<b>Maximum Marks</b>
<b>Constitution- Advocate/Law Firm</b>	5	5
<b>Qualification</b>	5	5
<b>Personal interaction/Presentation</b>	20	20
<b>Experience</b>		
>5yrs-10yrs	20	30
>10yrs-15yrs	25	
>15yrs	30	
<b>Empanelment</b>		10
<b>No. of Cases Handled relating to recovery/Execution</b>		
51-100	20	30
101-200	25	
>200	30	
<b>Total Marks</b>		<b>100</b>

In case of firms getting identical marks, the Agency which has handled higher number of cases shall be selected.

## ANNEXURE - 3

## 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.

**FORM OF APPLICATION**

<b>Sl. No.</b>	<b>Particulars</b>	<b>Details</b>	
1	Name of the Advocate / Firm (in Capital letters) with the name of authorised person	..... .....	Please affix a recent passport size photograph
2	Constitution of Firm	..... ..... .....	
3	Address of the Head Office (incl. Tel Number / mobile & email)	..... ..... .....	
4	PAN of the Advocate / Firm	..... .....	
5	Date of Birth of the Advocate as per High School Certificate (Authorised person of firm for appearing)	..... .....	
6	Nationality	..... .....	
7	GST registration No., if applicable	..... .....	
8	Have you ever been convicted of under any law? If yes, please, provide details in a separate sheet.	..... ..... ..... .....	
9	Whether any court case/arbitration/any other legal case against the advocate / firm is pending (if yes, please provide details in separate sheet)	..... ..... ..... .....	
10	Any reference from the same profession (Mobile No./Email address)	..... .....	
11	Educational Qualifications (Enclose certificate in support of educational qualification)	..... .....	
12	Date of Enrolment and name of the Bar Association/Council (Enclose copy of enrolment/registration certificate and Identity card issued by Bar Association/ Bar Council)	..... ..... ..... .....	
13	Details of Experience/ specialization with supporting documents	..... .....	
14	Court where advocate is regularly	.....	



- Practising a) period of practice .....
- b) Area of practice .....
- 15 Brief list of clients (for e.g.,  
Govt./PSUs/ .....  
Commissions/Autonomous .....  
Authorities) with supporting .....  
documents .....
- 16 ITR 2017-18, 2018-19 & 2019-20 .....  
.....  
.....
- 17 Number of cases handled .....  
Relating to recovery/execution .....  
With details .....
- 18 Any other relevant information .....  
(separate sheet may be attached, if .....  
required) .....
- 19. State and district applied for .....

**Declaration**

I declare that all the information provided above are true to the best of my knowledge and belief. I have never been penalized by any Bar Council in any disciplinary proceedings. I also undertake to maintain absolute secrecy about the work assigned by SFAC. I further understand if that at any time I am found to have concealed/distorted any material information or do any act or omission against the interest of SFAC, my contract shall be summarily terminated without any notice.

Signature of Advocate  
Name  
Address : Office & Residence/Chamber  
Tel. No.  
Mobile No.  
Fax No.  
Email.:

Date & Place:

## **Terms and Conditions for empanelment with SFAC**

1. You will abide by terms and conditions of SFAC and you will not claim any retainer fee or employment in SFAC's service,
2. You will not accept any case against the SFAC,
3. You will take necessary steps to protect the interest of the SFAC in matters entrusted to you from time to time.
4. Empanelment does not confer any right or claim that you alone should be entrusted with the SFAC's work.
5. The SFAC may at any time at its discretion withdraw from you any proceedings, matter, brief and may discontinue you as the SFAC's advocate without assigning any reason thereof and without paying any further fees.
6. You will keep the SFAC informed about the developments in the matters entrusted to you.
7. Unless a case is specially assigned to you by the SFAC, you will not on your own receive Summons / Notices on their behalf in the matter and even if you receive, if no Vakalatnama is given to you, you shall not deal with such cases. However, you will immediately inform the SFAC in this regard.
8. You shall not use SFAC's name or symbol logo in your letter heads, sign boards name plates etc.
9. In case of any misconduct, the SFAC will take appropriate action against you which includes filing complaint with Bar Council and recovery of Financial loss caused to the SFAC due to your misconduct.
10. In case of initiation of any disciplinary proceedings/ criminal proceedings against you, the SFAC may remove you from the panel even without waiting for the conclusion of such proceedings.
11. Your performance will be reviewed on yearly basis and if your services are not required or are not found upto the mark, the SFAC may remove you from panel and the cases/matters entrusted to you will be taken back from you.
12. You are required to maintain absolute secrecy about the cases of the SFAC as required under the Act, relevant rules and regulations and you shall not divulge any details to an outsider or opponent as the case may be without written consent of the SFAC.

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**Small Farmers' Agri-Business Consortium NCUI  
Auditorium, 5<sup>th</sup> Floor, 3, Siri Institutional Area, August  
Kranti Marg, Hauz Khas, New Delhi - 110 016.**

**EOI FOR EMPANELMENT OF ADVOCATES /LAW FIRMS FOR LEGAL SERVICES  
TO SFAC**

Small Farmers' Agri-Business Consortium seeks to empanel advocates/ Law Firms on contractual basis for providing legal services from time to time. Interested parties may visit website: [www.sfacindia.com](http://www.sfacindia.com) for full details. The last date for receiving application : 5:00 PM on or before 12/04/2021 at the SFAC Head Office.

**MANAGING DIRECTOR**