Delhi State Industrial & Infrastructure Development Corporation  
N-36, Bombay Life Building, Connaught Circus, New Delhi-110001

No. DSIIIDC/LC/guidelines/2021/12. Dated: 08/03/2022

Office Memorandum

Subject: Guidelines for engagement of Counsels in DSIIIDC – regd.

The undersigned is directed to circulate herewith the Guidelines containing procedure and terms & conditions for engagement of Standing Counsel, Additional Standing Counsel and Counsels for panel of DSIIIDC.

This issues with approval of the MD, DSIIIDC.

Encls. : As above

To,

1. All Chief Engineers/Chief Managers of DSIIIDC with the request to bring these instructions to the notice of all officers/officials under their jurisdiction for compliance.
2. Company Secretary/CAOs/DAOs
3. All DMs/Sr. Managers/Managers/OSDs
4. All SEs/EEs/AEEs/JEs
5. Manager (IT) for uploading on DSIIIDC's website

Copy for information to: -
(i) PS to MD, DSIIIDC
(ii) PS to ED, DSIIIDC
(iii) PS to CVO
(iv) PS to Engineer-in-Chief

Yours faithfully,

(Shobhit Gupta)  
Chief Manager
(1) **Guidelines for Engagement of Counsels in DSIIDC:**

(i) The Standing Counsel, Additional Standing Counsel and Counsels in the panel of DSIIDC, having requisite qualifications and experience, shall be engaged by the Managing Director (DSIIDC), the Competent Authority, on the recommendations of duly constituted Selection Committee.

(ii) Initially, the Standing Counsel and Additional Standing Counsels would be engaged for a period of one year which may be extended further on the basis of his/her performance by the MD, DSIIDC.

(iii) Similarly, the Panel Counsels would be engaged for a period of three years which may be extended further on the basis of their performance on the recommendations of selection Committee.

(iv) In addition, the M.D. may engage any Sr. Advocate/Advocate outside the panel for contesting a case on special fee keeping in view of the gravity of the matter.

(v) The Counsels can, however, be removed by the competent authority from the panel at any time without assigning any reason. The Counsel may also resign from the panel of DSIIDC by giving one month notice.

(2) **Procedure for Selection/empanelment of Counsels.**

(i) The M.D. DSIIDC may constitute a Selection Committee for the purpose of selection of Counsels for making recommendations to him for empanelment. The Committee would consist of the following:

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<th>B</th>
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<tr>
<td><strong>a)</strong> Executive Director</td>
<td>- Chairman</td>
</tr>
<tr>
<td><strong>b)</strong> Chief Manager (Legal)</td>
<td>- Member</td>
</tr>
<tr>
<td><strong>c)</strong> Chief Manager (Personnel)</td>
<td>- Member</td>
</tr>
<tr>
<td><strong>d)</strong> Any other Officer(s)/Legal Expert(s)</td>
<td>- Member (As nominated by the Chair)</td>
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<tr>
<td><strong>e)</strong> Divisional Manager (Legal)</td>
<td>- Convener/Member Secretary</td>
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(ii) The Committee may adopt the following procedure and criteria for selection of the Counsels and may make recommendations to the M.D., DSIIDC for their engagement in different courts in Delhi:

a) The applications for empanelment of Counsels would be invited online through a running Advertisement on the Corporation's website in the application format as prescribed Performa-A.
b) The candidates would be shortlisted, annually or as and when required, on the basis of prescribed qualifications and experience.

c) The shortlisted candidates would be called for personnel interaction by the selection committee.

d) After interaction, the selection committee would forward its recommendations to the Competent Authority for engaging counsels in different Courts.

(3) The Competent Authority may accept or reject the recommendations made by the selection committee.

(4) The performance of the Panel Counsel shall be reviewed by the Selection Committees at the end of three years or prior to that, if considered necessary and would make recommendations to the Competent Authority for extension of tenure/removal of the Panel Counsel, as the case may be.

(5) The Legal Division would seek Performance Report Annually in the month of March in r/o each Counsels from concerned Divisional Heads in the format prescribed in Performa-B and compile the same for reviewing their performance. Chief Manager (L) on recommendation of concerned Divisions may review the performance of Panel counsels at any time.

(6) Terms and Conditions of appointment of Counsels.

(i) The Panel Counsel should have the following qualifications and experience:

   a. Degree in Law with 1st Division or CGA of 7/10 and above from any recognised University
   b. Registered with Bar Counsel of Delhi.
   c. Five Years Practicing Experience in civil matters in any court.
   d. Willingness to attend the matter outside Delhi also, as and when required.
   e. Having Good communications and drafting skills.
   f. Empanelment with Government organisations/PSUs like DDA, MCD, NDMC, DMRC, NHAI etc. dealing service matters, arbitration matters, Land Acquisition matters, industrial disputes etc. would be given preference.

(ii) For appointment of Standing Counsel and Additional Standing Counsel, ten Years Practicing Experience in civil matters in High Court of Delhi and having chambers in High Court/Supreme Court would be required in addition to the above-mentioned qualifications.
(7) Fee/Retainership fee

The retainership fee for Standing Counsels/Additional Standing Counsels and fee for contesting the cases would be as prescribed by the DSIIIDC from time to time. In case of any dispute relating to the payment of fee, the decision of M. D. will be final.

(8) General Duties of the Standing Counsels/Additional Standing Counsels/Panel Counsels: -

(i) To appear in the Delhi High Court, Central Administrative Tribunal and other Tribunals, Arbitrators, Commissions of Enquiry, Subordinate Courts, statutory bodies etc. entrusted to him by Legal Cell at the fee as decided by the DSIIIDC from time to time.

(ii) When any case attended by a Panel Counsel is decided against the DSIIIDC and/or its officer, the Counsel will give opinion regarding the feasibility for filing an appeal/review/revision against such a decision immediately.

(iii) The Counsel shall render such advice/opinion as may be asked for from him with regard to any pending matter or any other matter involving legal question.

(iv) The Counsel shall intimate to the concerned Division and Legal Cell of DSIIIDC, telephonically and through emails, the important developments of the case and/or any directions/observations of Court after each date of hearing.

(v) Furnish to Legal Cell periodical statements and reports/returns which may be called for by the Legal Cell from time to time.

(vi) To assist Sr. Advocates in any matter assigned to him by the Corporation.

(vii) Not to accept any brief or case or render any advice against DSIIIDC during the period of engagement in DSIIIDC.

(viii) To visit the Corporation’s office(s) for discussing any legal issue or matters as assigned to the Counsel from time to time.

(ix) To attend the matters outside Delhi as and when required.

(x) The Counsel would perform such other duties of legal nature which may be assigned to him by Legal Cell from time to time.

(9) Additional Duties of Standing Counsels/Additional Standing Counsels:

(i) To receive notices/writs etc. in the High Court of Delhi from the other party/court on behalf of DSIIIDC and attend first date of hearing. Thereafter, the Standing Counsels/ Additional Standing Counsel shall send two copies of petitions to the Corporation and inform for further entrustment of case to the Penal Counsels. In case, they would not inform the corporation and attend the case in two/three consecutive hearing, no fee shall be paid.
(ii) If the case is entrusted to the Standing or Addl. Standing Counsel, the fee shall be paid as per the prescribed schedule of DSIIIDC for contesting the matter for DSIIIDC. No special fee/appearance fee/conference fee shall be paid.

(iii) To provide Legal Opinion, drafting of Legal Notice/reply to Legal Notice, vetting or drafting Legal Documents (Agreements, MOUs & NITs) etc. and legal advice in such other matters arising in the course of administration of the DSIIIDC without claiming any additional fee other than the prescribed retainer-ship fee.

(iv) If required, render all assistance to the Law Officers, Advocate General of the State Government, special or Senior Counsel, who may be engaged in a particular case before the Supreme Court, High Courts, Tribunals etc. without claiming any additional fee.

(10) 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 the Corporation but he shall not advise, hold briefs or appear against the Corporation before any authority, tribunal or court.

(11) The Competent Authority may relax any provision of these guidelines.
Purpose: Application for empanelment as Standing Counsel/Additional Standing Counsel/Panel Counsel

Application No. ________
(For office use)

Application for empanelment as Standing Counsel/Additional S.C./Counsel.

1. Applicant's Name:

2. Aadhaar Number:

3. PAN:

4. Father's name/Husband's Name:

5. Gender:

6. Residential Address/Office Address:

7. Chamber Address:

8. Mobile and Telephone No.:

9. Email:

10. Educational Qualification (Attach extra sheet if required):

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<th>Course</th>
<th>Name of Board/University</th>
<th>Year of passing</th>
<th>Percentage/GCA</th>
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<tr>
<td>Graduation</td>
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<td>Professional degree(LLB)</td>
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<tr>
<td>Post Graduation (LLM) (if any)</td>
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<td>Any other (if any)</td>
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Affix Passport size photograph
11. Date of Enrolment as an Advocate in Bar Council:

   Enrolment No.:
   (self attested copy of enrolment certificate)

12. If partner in a firm, name(s) of the firm and other partner(s):

13. Practice Experience during last 5/10 years:
   a. Total No. of cases handled.
   b. Nature of cases handled (service matters, arbitration matters, Land Acquisition matters, industrial disputes, Revenue/taxation matters etc.):
      (Attach extra sheet if required)
   c. Number of cases published in Journals etc.

14. Specify whether earlier remained on the panel of DSIIDC/Government Department/PSU or any other Institution

15. Specify the Court where wishes to be empanelled:

16. Whether willing to attend the matter(s) outside Delhi: Yes/No

I, ___________, D/o S/o ________________________ do hereby declare that all the statements made in this application are true, complete and correct to the best of my knowledge and belief. In the event of any information being found false/incorrect at any stage, my candidature is liable to be cancelled. I have read and understood the instructions and terms and conditions of the empanelment and agree to abide by those, I declare, that I fulfil the eligibility conditions for the category to which I am seeking empanelment. I have not submitted any other application for empanelment, besides the present one. I am willing to attend the matter(s) outside Delhi also as and when required.

Place: __________
Date: __________
(Signature)
# Annual performance report of the Counsels

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<tr>
<td>1.</td>
<td>Name and Designation of Divisional Head</td>
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<tr>
<td>2.</td>
<td>Name of Counsel</td>
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</tbody>
</table>
| 3. | **Category:**  
|    | a) Standing Counsel  
|    | b) Addl. Standing Counsel  
|    | c) Panel Counsel                                                                            |
| 4. | Number of cases/appeals handled during the period under report                             |
| 5. | Number of cases/appeals out of the above decided  
|    | a) in favour of DSIIDC,  
|    | b) against DSIIDC                                                                           |
| 6. | Efficiency and promptness in handling the cases.                                           |
|    | (Excellent/V.Good/Good/Average/Bad)                                                        |
| 7. | Coordination with Nodal Officer                                                            |
|    | (Excellent/V.Good/Good/Average/Bad)                                                        |
| 8. | Communication Skills                                                                       |
|    | (Excellent/V.Good/Good/Average/Bad)                                                        |
| 9. | Drafting Skills                                                                            |
|    | (Excellent/V.Good/Good/Average/Bad)                                                        |
| 10.| General Assessment of overall performance of the counsel                                  |
|    | (in 100 words approx.)                                                                     |
| 11.| Average Performance score out of 10 marks (On the basis monthly performance score)        |
| 12.| Recommendation for extension of the tenure                                                 |

Name and signature of Division Head with seal