

**PREScribed DETAILS AND GUIDELINES REGARDING  
EMpanelMENT OF ADVOCATES/ADVOCATES-ON-RECORD FOR  
SUPREME COURT OF INDIA/ ALL HIGH COURTS/ LOWER COURTS OF  
MUMBAI, CHENNAI, KOLKATA, DELHI & KANPUR AND RETAINER  
ADVOCATES FOR NEW DELHI.**

**1. Eligibility for Empanelment**

- (i) The Advocate should have a Bachelor degree in law from a recognized university and enrolled with the Bar Council under the provisions of the Advocates Act, 1961.
- (ii) The Advocate should have professional experience of court practice for not less than number of years of experience as prescribed below in the respective court for which empanelment is sought, in various fields of laws especially those concerning Constitutional Law, Civil Law, Service Law, Labour Law, Contract Law, Commercial Law, Criminal Law, Property Law, Taxation, Arbitration, etc. and who are experts in Mediation:
  - (a) Category A: Advocates with practice of 21 years and above.
  - (b) Category B: Advocates with practice of 13 to 20 years.
  - (c) Category C: Advocates with practice of 7 to 12 years.Provided that the Competent Authority may relax the above conditions at its discretion, if otherwise found suitable in certain cases.
- (iii) The Advocate should have an office at the place where empanelment is sought.
- (iv) The Advocate should have good communication and drafting skills.
- (v) For considering empanelment for the Supreme Court, generally those Advocates who are regularly practising including Advocates-on-Record of the Supreme Court would be considered, if they are otherwise found to be competent and suitable.

**2. Definitions**

For the purposes of these Guidelines, the terms used will have the following meaning;

- (i) 'Advocate' means an advocate, entered in any roll of advocates under the provisions of Advocates Act, 1961 (No.25 of 1961);
- (ii) The competent authority shall be the President, ICAI or any officer so designated by the President, ICAI;
- (iii) The Court shall mean and include Lower Courts, any High Court, Supreme Court, Tribunals, Appellate Authority constituted under the Chartered Accountants Act, 1949 or any authority set up under any other statute;
- (iv) 'Effective Hearing' for the purpose of claiming appearance fee in a case 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 matter is called in its turn and the Advocate is present to represent the Institute and the Court/Tribunal listens to the submissions made by

him or by other sides or by both and if, thereafter, the Court/Tribunal adjourn the matter, that will be an Effective-hearing.

- (v) Non-effective hearing - if the case is mentioned and adjourned or only directions are given or only judgment is pronounced/delivered, it would not constitute an effective hearing for the purposes of these guidelines but will be termed as non-effective hearing. If the Presiding Officer/Judge is on leave, it will not constitute even a non-effective hearing.
- (vi) The term 'similar cases' shall mean two or more cases in which identical or substantially similar questions of law or facts are involved.

### **3. Term of Appointment:**

The term of appointment of the Advocates would be for a period of four years and renewable for another four years and so on subject to satisfactory performance/handling cases of the Institute. The appointment of the Advocates may be terminated at any time by the appointing authority without assigning any reason. The empanelment shall not confer any right. The allocation of cases / opinion work shall be sole discretion of ICAI. Upon termination or non-renewal of empanelment, as the case may be, the Advocate shall return the brief/(s) allocated to him to ICAI along with all documents/records connected thereto with no objection certificate.

### **4. Categories of Cases**

#### **(a) Court matters**

**Category-I Important Matters:** Cases where any enactment, notification or any order and / or any Judgment that would affect the CA Act, 1949, Rules or Regulations made thereunder and where any unfavorable decision may have serious consequences for the Chartered Accountancy profession and/or the Institute.

**Category-II Ordinary Matters:** Cases where the petitioner has impleaded ICAI as one of the respondents and ICAI has only to furnish certain facts/records to the Court/authority.

**Category-III Performa Matters:** Cases where ICAI is impleaded as one of the respondents, but no relief is sought from it.

**Category IV Criminal matters:** Criminal cases filed against and / or on behalf of the Institute.

**Category-V Appeal Matters:** Cases filed before Appellate Authority under Section 22G of CA Act, 1949 against the orders passed by Disciplinary Authorities of ICAI against its members.

#### **(b) Other Matters**

**Category-VI Arbitration matters:** Matters wherein the arbitration clause of the agreement/ contract is invoked by the Institute and / or the other parties to the arbitration agreement.

**Category-VII Legal Opinion:** Legal Opinion in matters where the Council of the Institute or any Committee or any Department deems fit, matters wherein the provisions of the CA Act, 1949, Rules or Regulations made thereunder require interpretation, matters of importance to the Chartered Accountancy profession and/or the Institute and matters wherein monetary liability of the Institute may arise and also in relation to interpretation of any statute that may affect ICAI.

**Category-VIII Deeds and Documents:** Drafting of Templates /Vetting of deeds and documents including but not limited to tenders, LOI, request for proposals, expression of interest, pre-qualification bid document, agreements, MOUs, conveyance deeds etc or any other matters.

## **5. Payment of Fee**

- (i) The fee payable to the Advocate shall be governed by the Schedule of fee structure as given below in these guidelines or as amended from time to time.
- (ii) The advocate empanelled/engaged may claim the fee for appearance only in cases as per the Schedule of fee structure given in these guidelines.
- (iii) Where two or more cases involving substantially identical or similar questions of law or facts, one of such cases will be treated as a lead case and others as identical/connected cases and the advocate/counsel shall be paid full fee for the main case and 50% of the fee of main case, for each of the identical or similar/connected case.

## **6. Schedule of fees:**

**(I) For Category ‘C’ Advocates:-** The schedule of fee for advocates falling under Category C above with practice of 7 to 12 years in Courts is given hereunder:-

### **A. Supreme Court of India**

<b>Service.</b>	<b>Category-I</b>	<b>Category-II</b>	<b>Category-III</b>	<b>Category-IV</b>
Appearance at the time of				
i) admission (per day per case)	Rs. 12000/-	Rs 10000/-	Rs 8000/-	Rs. 12000/-
ii) Final(per day per case)	Rs 20000/-	Rs 15000/-	Rs 10000/-	Rs 20000/-
iii)Miscellaneous applications (per case)	Rs 8000/-	Rs 6000/-	Rs 5000/-	Rs 8000/-
iv)non-effective (per day per case up to a max of 4 per case)	Rs 3500	Rs 3000/-	Rs 2000/-	Rs 3500

Preparation/settling of pleadings and filing of Writs, Other petitions, SLP, Appeals, original suits, Counter Affidavit etc	Rs 10000/-	Rs 10000/-	Rs 10000/-	Rs 10000/-
Preparation and filing of additional affidavit/ Misc application, Replies and other pleadings	Rs 7000/-	Rs 7000/-	Rs 7000/-	Rs 7000/-
Conference charges/day with Sr. Advocate	Rs 2500/-	Rs 2500/-	Rs 2500/-	Rs 2500/-
Misc. expenditures including clerkage	Actuals or 10% whichever is less	Actuals or 10% whichever is less	Actuals or 10% whichever is less	Actuals or 10% whichever is less

#### **B. High Courts/ Benches**

<b>Service</b>	<b>Category-I</b>	<b>Category-II</b>	<b>Category-III</b>	<b>Category-IV</b>
Appearance at the time of i) admission (per day per case)	Rs 10000/-	Rs 8000/-	Rs 4000/-	Rs 10000/-
ii) Final(per day per case)	Rs 15000/-	Rs 10000/-	Rs 8000/-	Rs 15000/-
iii)Miscellaneous applications (per case)	Rs 6000/-	Rs 5000/-	Rs 3000/-	Rs 6000/-
iv)non-effective	Rs 3000/-	Rs 1000/-	Rs 1000/-	Rs 3000/-
Preparation/settling of pleadings and filing of Writs, Other petitions, Appeals, original suits, Counter Affidavit etc	Rs 7000/-	Rs 5000/-	Rs 3000/-	Rs 7000/-
Preparation and filing of additional affidavit/ Misc application, Replies and other pleadings	Rs 6000/-	Rs 3000/-	Rs 2500/-	Rs 6000/-
Conference charges/day with Sr. Advocate	Rs 2500/- per day	Rs.2500/- per day	Rs 2500/- per day	Rs 2500/- per day

Misc. expenditures Including clerkage	Actuals or 10% whichever is less	Actuals or 10% whichever is less	Actuals or 10% whichever is less	Actuals or 10% whichever is less
--	---	---	---	---

**C District Courts:**

Service.	Category-I	Category-II	Category-III	Category-IV
Appearance				
i)Effective:	Rs 4000/-	Rs 4000/-	Rs 4000/-	Rs 4000/-
ii)Non-effective:	Rs 1500/-	Rs 1500/-	Rs 1500/-	Rs 1500/-
Preparation and filing of suits, written statement, replication, appeals, replies etc	Rs 3500/-	Rs 3500/-	Rs 3500/-	Rs 3500/-
Preparation and filing of additional affidavit/ Misc application, Replies and other pleadings	Rs 1500/-	Rs 1500/-	Rs 1500/-	Rs 1500/-
Conference charges/day with Sr. Advocate	Rs 2000/-	Rs 2000/-	Rs 2000/-	Rs 2000/-
Fees for outstation	Rs 6000/- per day	Rs 6000/- per day	Rs 6000/- per day	Rs 6000/- per day
Hotel stay expenses	Equivalent to Assistant Secretary			
Outstation conveyance	Equivalent to Assistant Secretary			
Misc. expenditure including clerkage	Actuals or 10% whichever is less	Actuals or 10% whichever is less	Actuals or 10% whichever is less	Actuals or 10% whichever is less

**D. Tribunals/Appellate Authority or any other Authority/Forum:**

Service	Fees
Appearance at the time of	
i) admission (per day per case)	Rs 7000/-
ii) Final(per day per case)	Rs 10000/-
iii)Miscellaneous applications (per case)	Rs 2500/-
iv)non-effective	Rs 2000/-
Preparation and filing of replies, affidavits, additional affidavit/ Misc application, Replies and other pleadings etc	Rs 4000/-

Conference charges/day with Sr. Advocate	Rs 2000/-
Fees for outstation	Rs 7000/- per day
Hotel stay expenses	Equivalent to Assistant Secretary
Outstation conveyance	Equivalent to Assistant Secretary
Misc. expenditure including clerkage	Actuals or 10% whichever is less

**E. Category- VI Fees for Arbitration proceedings:**

Service	Fees
Appearance	
i) Effective:	Rs 6000/-
ii) Non effective:	Rs 2000/-
Preparation and filing of pleadings and replies.	Rs 4000/-
Preparation and filing of other applications.	Rs 1500/-
Conference charges/day with Sr. Advocate	Rs 2000/-
Fees for outstation	Rs 7000/- per day
Hotel stay expenses	Equivalent to Assistant Secretary
Outstation conveyance	Equivalent to Assistant Secretary
Misc. expenditure including clerkage	Actuals or 10% whichever is less

**(II) For Category ‘B’ Advocates:-** The schedule of fee for advocates falling under Category ‘B’ above with practice of 13 to 20 years in Courts is given hereunder:-

**A. Supreme Court of India**

Service.	Category-I	Category-II	Category-III	Category-IV
Appearance at the time of				
i) admission (per day per case)	Rs. 17000/-	Rs 14000/-	Rs 10000/-	Rs. 17000/-
ii) Final(per day per case)	Rs 25000/-	Rs 20000/-	Rs 15000/-	Rs 25000/-
iii)Miscellaneous applications (per case)	Rs 10000/-	Rs 8000/-	Rs 6000/-	Rs 10000/-
iv)non-effective (per day per case up to a max of 4 per case)	Rs 4000/-	Rs 3000/-	Rs 2000/-	Rs 4000/-

Preparation/settling of pleadings, filing of Writs, Other petitions, SLP, Appeals, original suits, Counter Affidavit etc	Rs 11000/-	Rs 11000/-	Rs 11000/-	Rs 11000/-
Preparation and filing of additional affidavit/ Misc application, Replies and other pleadings	Rs 7500/-	Rs 7500/-	Rs 7500/-	Rs 7500/-
Conference charges/day with Sr. Advocate	Rs 2500/-	Rs 2500/-	Rs 2500/-	Rs 2500/-
Misc. expenditures including clerkage	Actuals or 10% whichever is less	Actuals or 10% whichever is less	Actuals or 10% whichever is less	Actuals or 10% whichever is less

#### **B. High Courts/ Benches**

<b>Service</b>	<b>Category-I</b>	<b>Category-II</b>	<b>Category-III</b>	<b>Category-IV</b>
Appearance at the time of i) admission (per day per case)	Rs 12000/-	Rs 10000/-	Rs 5000/-	Rs 12000/-
ii) Final(per day per case)	Rs 18000/-	Rs 12000/-	Rs 10000/-	Rs 18000/-
iii) Miscellaneous applications (per case)	Rs 7000/-	Rs 5500/-	Rs 3500/-	Rs 7000/-
iv) non-effective	Rs 3500/-	Rs 1500/-	Rs 1500/-	Rs 3500/-
Preparation/settling of pleadings and filing of Writs, Other petitions, Appeals, original suits, Counter Affidavit etc	Rs 8000/-	Rs 6000/-	Rs 4000/-	Rs 8000/-
Preparation and filing of additional affidavit/ Misc application, Replies and other pleadings	Rs 6000/-	Rs 4000/-	Rs 3000/-	Rs 6000/-
Conference charges/day with Sr. Advocate	Rs 2500/- per day	Rs 2500/- per day	Rs 2500/- per day	Rs 2500/- per day

Misc. expenditures including clerkage	Actuals or 10% whichever is less	Actuals or 10% whichever is less	Actuals or 10% whichever is less	Actuals or 10% whichever is less
---------------------------------------	----------------------------------	----------------------------------	----------------------------------	----------------------------------

**C District Courts:**

Service.	Category-I	Category-II	Category-III	Category-IV
Appearance				
i)Effective:	Rs 5000/-	Rs 5000/-	Rs 5000/-	Rs 5000/-
ii)Non-effective:	Rs 2000/-	Rs 2000/-	Rs 2000/-	Rs 2000/-
Preparation and filing of suits, written statement, replication, appeals, replies etc	Rs 4000/-	Rs 4000/-	Rs 4000/-	Rs 4000/-
Preparation and filing of additional affidavit/ Misc application, Replies and other pleadings	Rs 2000/-	Rs 2000/-	Rs 2000/-	Rs 2000/-
Conference charges/day with Sr. Advocate	Rs 2000/-	Rs 2000/-	Rs 2000/-	Rs 2000/-
Fees for outstation	Rs 6500/- per day	Rs 6500/- per day	Rs 6500/- per day	Rs 6500/- per day
Hotel stay expenses	Equivalent to Assistant Secretary			
Outstation conveyance	Equivalent to Assistant Secretary			
Misc. expenditure including clerkage	Actuals or 10% whichever is less	Actuals or 10% whichever is less	Actuals or 10% whichever is less	Actuals or 10% whichever is less

**D. Tribunals/Appellate Authority or any other Authority/Forum:**

Service	Fees
Appearance at the time of	
i) admission (per day per case)	Rs 7500/-
ii) Final(per day per case)	Rs 11000/-
iii)Miscellaneous applications (per case)	Rs 2500/-
iv)non-effective	Rs 2500/-
Preparation and filing of replies, affidavits, additional affidavit/ Misc application, Replies and other pleadings etc	Rs 4500/-



Conference charges/day with Sr. Advocate	Rs 2500/-
Fees for outstation	Rs 7500/- per day
Hotel stay expenses	Equivalent to Assistant Secretary
Outstation conveyance	Equivalent to Assistant Secretary
Misc. expenditure including clerkage	Actuals or 10% whichever is less

**E. Category- VI Fees for Arbitration proceedings:**

Service	Fees
Appearance	
i) Effective:	Rs 7500/-
ii) Non effective:	Rs 2500/-
Preparation and filing of pleadings and replies.	Rs 4000/-
Preparation and filing of other applications.	Rs 2000/-
Conference charges/day with Sr. Advocate	Rs 2000/-
Fees for outstation	Rs 8000/-
Hotel stay expenses	Equivalent to Assistant Secretary
Outstation conveyance	Equivalent to Assistant Secretary
Misc. expenditure including clerkage	Actuals or 10% whichever is less

**(III) For Category ‘A’ Advocates:-** The schedule of fee for advocates falling under Category ‘A’ above with practice of 21 years and above in Courts is given hereunder:-

**A. Supreme Court of India**

Service.	Category-I	Category-II	Category-III	Category-IV
Appearance at the time of				
i) admission (per day per case)	Rs. 21000/-	Rs 18000/-	Rs 11000/-	Rs. 21000/-
ii) Final(per day per case)	Rs 30000/-	Rs 21000/-	Rs 18000/-	Rs 30000/-
iii) Miscellaneous applications (per case)	Rs 11000/-	Rs 8500/-	Rs 6500/-	Rs 11000/-

iv)non-effective (per day per case up to a max of 4 per case)	Rs 5000/-	Rs 4000/-	Rs 3000/-	Rs 5000/-
Preparation/settling of pleadings and filing of Writs, Other petitions, SLP, Appeals, original suits, Counter Affidavit etc	Rs 12000/-	Rs 12000/-	Rs 12000/-	Rs 12000/-
Preparation and filing of additional affidavit/ Misc application, Replies and other pleadings	Rs 8000/-	Rs 8000/-	Rs 8000/-	Rs 8000/-
Conference charges/day with Sr. Advocate	Rs 2500/-	Rs 2500/-	Rs 2500/-	Rs 2500/-
Misc. expenditures including clerkage	Actuals or 10% whichever is less	Actuals or 10% whichever is less	Actuals or 10% whichever is less	Actuals or 10% whichever is less

#### **B. High Courts/ Benches**

<b>Service</b>	<b>Category-I</b>	<b>Category-II</b>	<b>Category-III</b>	<b>Category-IV</b>
Appearance at the time of i) admission (per day per case)	Rs 14000/-	Rs 11000/-	Rs 6000/-	Rs 14000/-
ii) Final(per day per case)	Rs 20000/-	Rs 14000/-	Rs 11000/-	Rs 20000/-
iii)Miscellaneous applications (per case)	Rs 8000/-	Rs 6000/-	Rs 4000/-	Rs 8000/-
iv)non-effective	Rs 4000/-	Rs 2000/-	Rs 2000/-	Rs 4000/-
Preparation/settling of pleadings and filing of Writs, Other petitions, Appeals, original suits, Counter Affidavit etc	Rs 10000/-	Rs 6500/-	Rs 4500/-	Rs 10000/-
Preparation and filing of additional affidavit/ Misc application, Replies and other pleadings	Rs 7500/-	Rs 4500/-	Rs 3500/-	Rs 7500/-

Conference charges/day with Sr. Advocate	Rs 2500/- per day	Rs 2500/- per day	Rs 2500/- per day	Rs 2500/- per day
Misc. expenditures Including clerkage	Actuals or 10% whichever is less	Actuals or 10% whichever is less	Actuals or 10% whichever is less	Actuals or 10% whichever is less

**C District Courts:**

Service.	Category-I	Category-II	Category-III	Category-IV
Appearance				
i)Effective:	Rs 6000/-	Rs 6000/-	Rs 6000/-	Rs 6000/-
ii)Non-effective:	Rs 2000/-	Rs 2000/-	Rs 2000/-	Rs 2000/-
Preparation/settling of pleadings and filing of suits, appeals, Counter Affidavit etc	Rs 5000/-	Rs 5000/-	Rs 5000/-	Rs 5000/-
Preparation and filing of additional affidavit/ Misc application, Replies and other pleadings	Rs 2500/-	Rs 2500/-	Rs 2500/-	Rs 2500/-
Conference charges/day with Sr. Advocate	Rs 2500/-	Rs 2500/-	Rs 2500/-	Rs 2500/-
Fees for outstation	Rs 7500/- per day	Rs 7500/- per day	Rs 7500/- per day	Rs 7500/- per day
Hotel stay expenses	Equivalent to Deputy Secretary			
Outstation conveyance	Equivalent to Deputy Secretary			
Misc. expenditure including clerkage	Actuals or 10% whichever is less	Actuals or 10% whichever is less	Actuals or 10% whichever is less	Actuals or 10% whichever is less

**D. Tribunals/Appellate Authority or any other Authority/Forum:**

Service	Fees
Appearance at the time of	
i) admission (per day per case)	Rs 8000/-
ii) Final(per day per case)	Rs 12000/-
iii)Miscellaneous applications (per case)	Rs 3000/-

iv)non-effective	Rs 3000/-
Preparation/settling of pleadings and filing of replies, affidavits, additional affidavit/ Misc application, Replies and other pleadings etc	Rs 5000/-
Conference charges/day with Sr. Advocate	Rs 2500/-
Fees for outstation	Rs 8500/- per day
Hotel stay expenses	Equivalent to Deputy Secretary
Outstation conveyance	Equivalent to Deputy Secretary
Misc. expenditure including clerkage	Actuals or 10% whichever is less

**E. Category- VI Fees for Arbitration proceedings:**

Service	Fees
Appearance	
i) Effective:	Rs 8000/-
ii) Non effective:	Rs 3000/-
Preparation and filing of pleadings and replies.	Rs 4500/-
Preparation and filing of other application	Rs 2500/-
Conference charges/day with Sr. Advocate	Rs 2500/-
Fees for outstation	Rs 8500/- per day
Hotel stay expenses	Equivalent to Deputy Secretary
Outstation conveyance	Equivalent to Deputy Secretary
Misc. expenditure including clerkage	Actuals or 10% whichever is less

**(IV) Category- VII - Fees for Legal Opinion**

For legal opinion on various documents and other issues related to ICAI an amount of Rs.16500/- will be paid for each of the opinions. In exceptional cases, the fee for legal opinion tendered by a Senior Advocate will be as mutually agreed upon after the approval of the competent authority.

**(V) Category- VIII- Fees for drafting of templates /vetting Deeds and Documents:**

For drafting of templates /vetting of deeds and documents including but not limited to tenders, request for proposals, expression of interest, pre-qualification bid document, agreements, LOI, MOUs, conveyance deeds etc. a lump sum amount as mutually agreed will be paid to the Advocate subject to the maximum amount as below:

Subject matter	Fees
Up to 20 Lakhs	Rs. 20000/-
Between 20 Lakhs and 50L	Rs. 25000/-
Between 50 Lakhs and 1 Crore:	Rs. 30000/-
Beyond 1 Crore	Rs. 37500/-

The fee for the same to a Senior Advocate will be as mutually agreed upon after the approval of the competent authority.

**(VI) Increment of fee Schedule:**

The schedule of fees of the empanelled Advocates shall be considered for revision after 4 years after due approvals.

**7. General Terms & Conditions**

- (a) Two or more cases where substantially identical/similar questions of law of facts are involved and where the main difference is in the names, position, addresses of the parties concerned, amount of money involved etc., where the common or identical Judgment are delivered irrespective of the fact whether all the cases are heard together or not. The Advocate shall be paid the full fee in the main case and 50% of the fee in each of the connected case.
- (b) No fee will be paid in cases which were got adjourned by the Advocate without direction from ICAI and/or on his personal grounds/difficulty.
- (c) The Advocate shall not be entitled to any separate clerkage on the amount of fee payable to him.
- (d) These rates will also be applicable to the lawyers engaged by Regional Offices/branches of ICAI. Only one set of fee will be entitled on behalf of all the parties involved from ICAI point of view.
- (e) In any case if more than one lawyer (excluding Senior Advocate) is engaged in Supreme Court/High Court, in that case main lawyer will receive the charges as prescribed above and assisting lawyer will be paid @ 50% of the fee paid to main lawyer.
- (f) If the Advocate is required to go out of the town in connection with the High Court case, he will be entitled to claim TA/DA as applicable to the officers of ICAI at the level of Deputy Secretary/Assistant Secretary depending upon the seniority of a lawyer concerned.
- (g) No Conference/Opinion charges will be paid if decision/meeting is held with lawyer in a matter related to on-going case in any of courts in which that lawyer is engaged as an Advocate of ICAI
- (h) The Advocate will have the right to private practice, which should not, however, interfere with the efficient discharge of his duties as an Advocate for ICAI. The Advocate shall not advise any party in or accept any case against

ICAI in which he has appeared or is likely to be called upon to appear for or advice or which is likely to affect or lead to litigation against ICAI. No advocate as long as his name is on the panel shall contest any matter against the ICAI.

- (i) Efficiency, competency and integrity should be the criteria for appointment as Institute's panel Advocate. The Advocate should be agreeable to Institute's terms and conditions regarding payment of fees, charges, submission of pleadings / petitions for approval, etc.
- (j) The empanelled Advocate shall not use Institute's name, symbol etc. in their letterhead, signboard, nameplates, pamphlets, etc., such as 'Legal advisor to ICAI' / 'Advocate for ICAI', etc.
- (k) Cases involving similar issues/points of law or otherwise interlinked or clubbed may be entrusted to the same Advocate as far as possible.
- (l) Refusal by any advocate to accept any work otherwise than on grounds of conflict of interest, may entail removal of such advocate from the panel.
- (m) The empanelled Advocates will not delegate cases and themselves deal with the same. They may have to coordinate and work with designated Senior Advocates, if any, engaged in the case as well as with the officers of the ICAI, if required.
- (n) The empanelled Advocate shall maintain absolute secrecy and confidentiality about the cases of the ICAI as required under the Act and rules/regulations made thereunder.
- (o) The advocates shall in full accept the terms and conditions of the empanelment as determined by the ICAI from time to time.
- (p) In case of empanelment of Law Firms, all the terms and conditions for empanelment of the individual Advocates shall apply *mutatis mutandis* to the law firm.
- (q) 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 to argue the cases on behalf of the ICAI keeping in view the urgency and importance of a particular matter. They shall be engaged on case to case basis.
- (r) If a senior advocate/lawyer of extra ordinary repute is engaged to defend/contest any case for the Institute, his charges will be negotiated in advance.

**8. Factors to be considered for Empanelment:-**

The Competent Authority will consider the bio-data for empanelment only on merit after due notice in this regard is published on the website of the ICAI. While considering the request from the advocates, following points shall be considered:

- (i) Length of practice and specialization in the area of law.
- (ii) Proper and adequate infrastructure of an advocate such as office premises, number of junior advocates, assistants, clerks and fax, mobile phone, fixed phone, internet connection etc.
- (iii) Track record and integrity.
- (iv) If considered necessary, an enquiry in the respective Bar Council/Bar Association about the claims and conduct of the advocate to be empanelled can also be made and credentials may be verified.
- (v) If the advocate is empanelled by other regulators/organizations, opinion of those organizations may be obtained.
- (vi) Assessment at the interaction with Members of the Group.

The above list is illustrative and not exhaustive. The Competent Authority may also consider any other factor relevant for empanelment.

#### **9. Documents to be furnished by the Advocate:**

The Advocates will be required to furnish their Application/ Bio-data as per the format hosted on ICAI website [www.icai.org](http://www.icai.org) The attested copies of the following documents are required to be submitted with application:

- i. High School certificate in support of age
- ii. Registration with Bar Council.
- iii. Identity card issued by Bar Association / Bar Council
- iv. Copies of empanelment with other Organizations.
- v. Certificates in support of educational qualifications.
- vi. Two recent passport size photographs.
- vii. An undertaking from the advocate to the effect that all information furnished by him is correct.

#### **10. EMPANELMENT OF ADVOCATES ON RETAINERSHIP BASIS**

##### **(i) Appointment of Advocates on Retainership basis:**

The Institute shall empanel requisite number of Retainer Advocate(s) having minimum of 10 years Post Qualification experience of practicing at various courts at New Delhi (NCR) and an office at New Delhi on fixed monthly Retainership fees of Rs. 45000/-.

In case the retainer Advocate is required to go out of the place of appointment in connection with the Court case, he will be entitled to claim TA/DA as applicable to the officers of ICAI at the level of Deputy Secretary.

The Retainership fees shall be revised after 4 years after due approvals.

The Retainer Advocate shall be required to visit the head office of the Institute minimum 3 days a week after the court hours, as and when required and no separate TA/DA for the same shall be payable. In case of any urgency, he may be required to visit at timings as mutually agreed.

The term of appointment of the Retainer would be for a period of four years and renewable for another four years and so on subject to satisfactory performance/handling cases of the Institute. The appointment of the Retainer may be terminated at any time by the appointing authority without assigning any reason. The empanelment shall not confer any right. The allocation of work shall be sole discretion of ICAI.

**(ii) Scope of Work of Retainer Advocate:**

1. Rendering Legal Advice (oral & written) to all departments/ Committees of ICAI as and when required.
2. Rendering legal advice (oral & written) to the Council of ICAI as and when required.
3. Drafting and sending legal notices on behalf of ICAI.
4. Drafting and sending response to legal notices served on ICAI.
5. Drafting/Vetting deeds and documents as and when required by any Department/ Committee of ICAI
6. Representing ICAI in matters before Appellate Authority constituted under Section 22G of the Chartered Accountants Act, 1949 as and when required.
7. Representing ICAI in matters covered under Category II & Category III matters in Delhi (NCR) region as and when required.
8. Assisting and briefing Senior Advocates appointed by ICAI in any matter.
9. Attending conferences with Advocates on behalf of ICAI as and when required.
10. Vetting counters and replies to be filed by ICAI in matters as and when required.
11. Any other work assigned from time to time.

**(iii) General terms & Conditions for Retainer Advocate:**

- 1) The retainer Advocate will take necessary steps to protect the interest of ICAI in matters entrusted to him from time to time.
- 2) Engagement does not confer any right or claim that the retainer Advocate shall alone be entrusted with the work of ICAI.



- 3) The Institute may, at any time, at its discretion, withdraw from the retainer Advocate any proceedings/matter/brief.
- 4) The retainer Advocate shall keep the Institute informed regarding the developments in the matters entrusted to him.
- 5) In case more than one retainer Advocates are engaged, the Institute will allocate the work and assign the cases amongst them.
- 6) The retainer Advocate shall not use Institute's name or symbol, logo in his letter heads, sign boards name plates etc.

#### **11. Removal of difficulty:**

In the matter of implementation of these guidelines, if any doubt or difficulty arises or doubt regarding the interpretation of any of the clause of these guidelines, the same shall be placed before the Competent Authority and the decision of the Competent Authority thereupon shall be final.

#### **12. Selection Procedure:**

All desirous Advocates fulfilling the eligibility criteria shall fill the online application form empanelment available on the ICAI website within 14 days of the advertisement for consideration of their candidature for the said empanelment.

The applications received will be shortlisted. The Institute reserves the right to decide the criteria of short-listing.

The short listed Advocates shall be called for interaction and intimation in this regard will be communicated as per correspondence address or email provided by the Advocates. Advocates shall be required to submit their 2 recent passport size photos and certified copies of the credential documents and certificates along with the duly signed hard copy of the online form submitted by them and also produce their originals at the time of interaction for verification. No TA/DA will be admissible for attending the interaction.

The Advocates who have already been empanelled with ICAI in the year 2017 need not apply again.

The Institute reserves the right to accept any application or reject any application without assigning any reason or to postpone or cancel the process of empanelment. The application submitted by any Advocate will not bind the Institute to consider him/her for empanelment.

\* \* \* \*