

FOOD CORPORATION OF INDIA
HEADQUARTERS, KHADYA SADAN
16-20, Barakhamba Lane
New Delhi

Dated : 18.10.2022

(Circular No. 02 /2022)

Sub: Scheme of Fee applicable to the Empaneled Advocates of FCI before various Courts, Tribunals, Forums.

In supersession of Circular No. 2/2019 dated 07.02.2019 issued from file No. 4(2)/2009-Legal, the revised Scheme of Fees, Rates, terms & conditions applicable to empaneled Advocates of FCI before various Courts, Tribunals, Forums is issued with immediate effect. The Advocates will be paid fee at the old rates in respect of their appearance and other work done by them prior to the issue of this Circular and at the revised rates in respect of work done by them after issue of this Circular.

1. DEFINITIONS

For the purpose of the Scheme, the expressions:

- a. **'Competent Authority'** the designated Authority in FCI who is vested with the powers to approve engagement of Advocates in various matters as per DOP.
- b. **'Effective Hearing'** a hearing in which either one or both the parties involved in a case is heard by the Court. If the case is mentioned and adjourned or only Judgement is pronounced by the Court, it would not constitute an effective hearing, but will be treated as non-effective hearing.
- c. **'Uncontested Cases'** if cases are withdrawn by the Petitioner/Plaintiff/ Appellant or is dismissed in limine or otherwise decided by the Court ex-parte before the Final Hearing. No case will be considered as 'uncontested' if it is decided by the Court on preliminary Legal objections or is withdrawn during the final hearing or is withdrawn by the FCI at the time of Admission or when a decision is given after hearing arguments on both sides.
- d. **'Substantial Work'** when the case has been admitted by the Court after Hearing the preliminary Objections or filing of the Affidavits/Counter Affidavits etc. by the Advocate, 'substantial work' will be deemed to have been done.
- e. **'Identical Cases'/'Connected Cases'** two or more cases in which substantially identical questions of law or facts are involved and where the main difference is in the names, address of the parties concerned, amount of money involved etc., where common or identical judgements are delivered irrespective of the fact whether all the Cases are heard together or not.
- f. **'Lower Court' any Court'** which is subordinate to the High Court.

- g. 'Professional Fee' the fee payable for professional services except actual expenses will be treated as professional fee.

2. DUTIES

- a. The Advocate shall appeal whenever required before such Courts/Tribunals/ Forums on behalf of FCI in cases in which FCI is a party.
- b. The Advocate shall directly and personally deal with the cases and will not entrust cases to the other Advocates or to his junior Advocates unless agreed to by the Corporation in writing.
- c. The Advocate shall whenever any case attended to by him is decided against the FCI or its Officer's give his opinion on the further course of action arises from such a decision.
- d. The Advocate shall keep the Corporation informed of the important developments in the case from time to time particularly with regard to the drafting, filing of papers, dates of hearing of the case and its outcome, supplying copies of the Judgements/Orders etc.
- e. The advocate shall furnish the periodical Reports>Returns which may be called for by the FCI from time to time.
- f. The Advocate shall render detailed account of the Advances received from the Corporation for proper adjustment of the same against his fee bills.

3. ALLOCATION OF CASES TO ADVOCATES

The cases to the Advocates will be allotted by the Competent Authority in consultation with the concerned Law Officer, on equitable basis depending upon the expertise and usefulness of the Advocate.

4. FEE PAYABLE TO THE EMPANELED ADVOCATES:

The fee payable to the Advocate for the Professional Services rendered in terms of this Scheme are provided in the Schedule to this Circular.

5. PROCESS OF ADVOCATE FEE BILLS

- a. The admissible fee to the Advocate will be paid by FCI on presentation of a pre-receipted stamped receipt in duplicate. The sanctioned fee will be transferred to the Bank Account of the Advocate through online mode only.
- b. The process of the Advocate fee bill will be completed within 60 days from the date of receipt of fee bill and bill wise information of the sanctioned fee will be forwarded to the Advocate by e-mail as per format Annexure 'A' by the concerned operating division of FCI.
- c. The concerned division while processing the claim of the bill shall maintain/mention the progressive fee bill table/chart i.e the total amount paid to the conducting

