

**TERMS AND CONDITIONS FOR EMPANELMENT OF ADVOCATES TO REPRESENT UKRERA BEFORE THE HON'BLE HIGH COURT, UTTARAKHAND & UTTARAKHAND REAL ESTATE APPELLATE TRIBUNAL**

**TERMS AND CONDITIONS FOR THE EMPANELMENT OF ADVOCATES**

Interested practicing advocates are advised to carefully read the eligibility criteria, instructions and terms & conditions for the empanelment which are as under :-

**1. Eligibility Criteria:**

- i) Applicant should have valid registration as an advocate with the Bar Council of India/State Bar Council.
- ii) Applicant must have a minimum experience of ten years in practice with adequate exposure of handling cases in High Court, Civil Court or District Court. Preference would be given to advocates having experience of handling cases before Hon'ble High Court with a fair knowledge of The Real Estate (Regulation & Development) Act 2016, and Uttarakhand Real Estate (Regulation & Development) (General) Rules, 2017.

**2. Tenure of Empanelment :**

The initial empanelment will be for a period of two years from the date of empanelment which can be extended for another period of one year based on performance. Mere application for empanelment does not confer any right/ assurance, whatsoever, to an applicant for empanelment on the panel of UK RERA.

**3. Scope of Services**

The empanelled advocates are expected to render professional services related to drafting the counter affidavit, supplementary counter affidavit, Delay condonation affidavit, prepare and/or contest the Appeal and Writ Petition (WP) and plead the cases before the Hon'ble High Court, Uttarakhand and Uttarakhand Real Estate Appellate Tribunal.

**4. Procedure for Empanelment :**

- a. The applicant must apply on the format prescribed by UKRERA and no other format will be entertained.
- b. The empaneled advocate must submit a copy of this terms and conditions, duly signed and sealed at the time of submission of application towards confirmation of acceptance of these terms and conditions of empanelment.
- c. Any application received after the last date prescribed in the advertisement shall not be entertained.
- d. Only shortlisted applicants, who meet the Eligibility Criteria, shall be invited for personal interaction.
- e. Merely fulfilling the eligibility criteria will not confer any right on an applicant advocate to be called for interaction and to be empanelled.
- f. The decision of Authority, regarding the shortlisting and empanelment, shall be final.

- g. A list of shortlisted applicants and the date, time and venue of personal interaction will be uploaded on our website i.e. [www.uhuda.org.in](http://www.uhuda.org.in) under RERA online link and will also be available in the Notice Board of office.
- h. Applicants are required to bring the original documents (as specified in the application form) at the time of interaction. UKRERA reserves the right to verify the testimonials from the issuing authority and in case subsequently any of these documents is found forged or false, the empanelment shall be cancelled and that applicant shall be debarred from UKRERA for a period of five years.
- i. The list of empanelled advocates will be uploaded on UKRERA website [www.uhuda.org.in](http://www.uhuda.org.in) under RERA online link. Letter to such applicants, confirming their empanelment, will be issued by RERA separately.

#### **5. Term of Reference (ToR):**

- i. The empaneled advocates shall not accept any case on behalf of the Promoters / Developers or any allottee for appearing before this Authority / Appellate Tribunal, Uttarakhand or the Hon'ble High Court.
- ii. It would be entirely UKRERA's prerogative to engage any advocate of its own choice, from the list of empanelled advocates, as far as assignment of a particular case is concerned.
- iii. The intimation of assignment of a particular case would be sent through e-mail, by UKRERA, to the concerned empanelled advocate and after receiving the e-mail, it would be the responsibility of the concerned advocate to collect the copy of writ petition or appeal, as the case may be, & forward the same to UKRERA at the earliest.
- iv. The empaneled advocates must ensure timely presence before concerned Court in case any matter is required to be represented on behalf of UKRERA.
- v. Refusal to accept any assignment, by an empaneled advocate, without any reasonable cause (e.g. on grounds of conflict of interest), may lead to immediate termination of empanelment and in that case, UKRERA reserves the right to empanel any other shortlisted advocate in his/her place.
- vi. In order to ensure that there is effective check on the cases being conducted, the Advocate to whom a case is assigned must submit the status report of the case, like next date of hearing, order of the Court immediately after the date of its pronouncement including submission of certified copies of orders /judgments etc.
- vii. If required, the advocates on the panel may be asked to render all assistance to a Senior Counsel engaged in a particular case before the Hon'ble High Court/ Hon'ble Supreme Court/ other judicial bodies.

#### **6. Termination of Empanelment:**

UKRERA reserves the right to terminate the empanelment of an advocate in writing without assigning any reason. The empaneled advocate may also exit from the contract by serving written notice of at least one month in advance. Empanelment shall also be liable to be terminated in case of the following circumstances:

- (i) If any testimonial, submitted with the application is found to be fabricated or false.
- (ii) Failing to attend the hearings of the case without any sufficient reason.
- (iii) Fails to discharge his obligation as stipulated in the Terms of Reference (ToR).

**7. Fees Pattern:**

- (i) Fee shall be on lumpsum basis for each case assigned.
- (ii) No monthly retainership fees shall be paid.
- (iii) If the empanelled advocate is not agreeable to fees offered by UKRERA, then his / her empanelment shall be cancelled.

(Rabindra Panwar)

Chairperson

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