

TERMS AND CONDITIONS FOR EMPANELMENT OF ADVOCATE/ LAW FIRM IN RERA TO REPRESENT BEFORE HIGH COURT, UTTARAKHAND

GUIDELINES FOR THE EMPANELMENT OF ADVOCATES/LAW FIRM

Following guidelines have been designed to provide and regulate the manner and procedure for empanelling the advocates who can draft the counter affidavit, supplementary counter affidavit, Delay condonation affidavit, prepare and contest the second appeal and Misc. application and plead the cases before the High Court, Uttarakhand.

1. Eligibility of Empanelment

Before filling the application form, the applicants are advised to carefully read the following eligibility criteria, instructions and terms & conditions for the empanelment of Advocate/Law firm in RERA which are mentioned herein below:-

- i) He should have been enrolled/registered as an advocate with the State Bar Council/Bar council of India.
- ii) He should have a minimum experience of ten years of handling cases in a court. Preference should be given to advocates having experience of handling cases before 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 one year from the date of empanelment. Performance of empanelled advocate/ advocates/ law firm shall be reviewed at regular interval for continuance in the panel of Advocates. Application for empanelment at RERA does not confer any right/ assurance whatsoever to an applicant that he/ she will be empanelled on the panel of RERA.

3. Procedure for Empanelment

- a. The applicant advocate must apply on the format prescribed by the RERA only. No other format will be entertained.
- b. Any application received after the last date prescribed in the advertisement shall not be entertained.
- c. No applicant advocate shall be called for interview/interaction unless he/she satisfies the eligibility conditions and is shortlisted for the same.
- d. Depending upon the requirement and number of applications received, RERA reserves the right to shortlist the candidates to be called for interview/interaction and to be empanelled.
- e. Merely fulfilling the eligibility criteria will not confer any right on an applicant advocate to be called for interview/interaction and to be selected.
- f. The decision of the Chairperson RERA regarding the shortlisting and selection of the candidates shall be final.
- g. Canvassing in any form shall be treated as a disqualification. The candidature of such applicants shall be cancelled forthwith.

- h. A list of shortlisted applicant advocates with the date, time and venue of interview will be uploaded on our website i.e. www.uhuda.org.in.
- i. The applicant advocate shall bring original documents at the time of interview.
- j. The list of selected advocates will be made available on RERA website www.uhuda.org.in. Letter to applicant advocates confirming their empanelment will be issued by RERA separately.
- k. Based on the proposals of various applicants, a uniform fee structure would be prepared and will be sent to each selected applicant. If any one disagrees with it, his empanelment will not be considered.

4. TOR: Term of Reference

1. The Advocate shall not advise any party or accept any case for the Promoters / Developers in which he/she has appeared or is likely to be called upon to appear for or advise which is likely to affect or lead to litigation against the RERA.
2. Timely appearance of the Counsel to contest the cases for RERA in the court is a must. His/her absence in the Court, without any reasonable ground and notice in advance, will not be accepted.
3. RERA sends the information to the panel advocates through email regarding entrustment of a case and after receiving the e-mail, it is duty of the panel Advocate to collect the brief/copy of petition along with assignment letter from the concerned office of RERA at the earliest.
4. RERA is free to engage any advocate of its own choice and an empanelled Advocate shall make no claim that he/she alone should be entrusted with RERA's legal matter (s).
5. Refusal by any advocate to accept any work without any reasonable cause (e.g. on grounds of conflict of interest) may entail removal of such advocate from the panel, forthwith without waiting for the empanelment period to expire.
6. The advocate shall accept the terms and conditions of the empanelment as determined by the RERA from time to time.
7. In order to ensure that there is effective check on the cases being conducted, the Advocate on the panel must report the status of the case after each date of hearing. Failure to submit status report will be a ground for removal of the name of the lawyer concerned from the panel.
8. If required, the advocate on the panel must render all assistance to special or senior Counsel engaged in a particular cases before the High Court/Supreme Court and other judicial bodies.
9. Keep RERA informed and updated on all-important developments in the designated cases, dates of hearing, order of the court on the date of its pronouncement, supplying copy of orders /judgment etc.
10. Furnish monthly statement about the cases represented by him/her before the concerned courts or any other authority and their outcome.
11. When any case attended by him/her is decided against the Organization, the Advocate concerned must give considered opinion regarding the reasons for such adverse order and the advisability of filing an appeal from such a decision not later than 5 working days of the order (kuchha copy).

12. 30% of the fees payable to the counsel shall be deducted if the certified copy of the judgment is not handed over to Chairperson, RERA within seven days (excluding the time taken by the court in preparation of the copy) from the date of judgment.

13. The empanelled Advocate/ Law firm shall not enter into any compromise or agree to grant any concession or move any statement in courts to that effect in any matter without prior permission in writing of the chairperson, RERA

5. Exit Clause :

RERA reserves the right to terminate the empanelment of advocate with one month's notice in writing without assigning any reason. The advocate may also resign from the Organization by serving one month's notice. Empanelment shall be liable to be cancelled due to occurring of any of the following disablements on the part of the Advocate.

- (i) Giving false information in the application for empanelment;
- (ii) Failing to attend the hearing of the case without any sufficient reason and/on prior information;
- (iii) Not acting as per RERA's instructions or going against the specific instructions;
- (iv) Threatening, intimidating or abusing any of the RERA's employees, officers, or representatives;
- (v) Passing on information relating to RERA's case to the opposite parties or their advocates or any third party which is likely to cause any damage to the RERA's interests;
- (vi) Giving false or misleading information to the RERA relating to the proceeding of the case;

Seeking frequent adjournment or not objecting to the adjournment moved by other party without sufficient reason; and frequent absence from the Court proceeding even if "pass over" or "Proxy" is obtained by an advocate.

6. Remuneration Quoted:

- (i) Quote the remuneration in Annexure-B.
- (ii) No retainer fee shall be paid to any panel Advocate merely because such advocate has been empanelled.

Chairperson
Uttarakhand Real Estate Regulatory Authority
5th Floor, Rajiv Gandhi Multipurpose Complex
Dispensary Road, Dehradun- 248001
Telephone:- 0135-2719500

APPLICATION NO. (To be filled by RERA)

**APPLICATION FORM FOR THE EMPANELMENT OF
ADVOCATE/LAW FIRM IN RERA**

(TO BE FIELD IN BY ALL APPLICANT ADVOCATES)

To,

Chairperson ,
Uttarakhand Real Estate Regulatory Authority
Rajiv Gandhi Multipurpose Complex
Dispensary Road, Dehradun- 248001
Telephone:- 0135-2719500

Name (in Block letter)	
Father's name	
CHECKLIST	
<p>1. List of documents attached (Attach self-attested photo copies of all certificates & marks-Sheets matric to P.G)</p>	
<p>2. Experience certificate</p>	
<p>Duly filled in Annexure-A & B</p>	
<p>Others (Please specify) 1.</p>	
<p style="text-align: right;">2.</p>	

ANNEXURE-A

A- PERSONAL DETAILS (In Block Letters)	
1 Name in FULL	
2 Father's/Husband's Name	
3 Date of Birth	
4 Nationality	
5 Address for correspondence with	

	PIN and phone No.	
6	Permanent Address with PIN and phone No.	
7	Address of office/chamber, if any, with PIN and phone No.	
8	Mobile No.	
9	E-Mail ID	

B- Details of Educational qualifications

1	2	3	4	5	6
Examinations Passed	Name of the Board/University	Class or Division	% of Marks	Subjects	Year of Passing
LLB/ Law Graduate					
Post Graduation					
Other Professional Exams					

C-Experience certificates

1	2	3	4	5
Name of the Department/PSU/Statutory Body/ Autonomous Body	From	To	Work done	Remarks

(Please Attach the relevant Documents)

D-Whether the applicant is currently on the Panel of any other Government Department/PSU/Statutory Body/Autonomous Body etc. If yes, give the details

below(Self-certified Copy of the Office Order/ letter of empanelment may be attached)-

1.	2	2	4
1	Name of the Department/PSU/Statutory body	Date and letter no. of Empanelment	Total Period of Empanelment (in years)

E-Whether the applicant has worked as Legal Researcher (LR) attached to any Court/judge? If yes, the details there of and the supporting documents:-

1	2	3
Name of Court/ judge	Period of Research	Supporting documents

F.If one or more advocates are associated as juniors of the applicant, their details may be provided below:-

1	2	3	4	5
Sl. No	Name of the advocate	Phone number of the junior	Enrolment no. with date	Experience (in years)

G.Infrastructure facilities available with the applicant (Please tick, if available) be mentioned below:

1	2	3	4	5
Sl. No.	Office space (in square meters)	Office clerk (no.)	Steno/typist (no.)	Other Support staff (no.)

H. No. of cases relating to The Real Estate (Regulation & Development) Act 2016, if handled earlier:-

(Documentary proof must be attached)

1	2	3	4	5
S.No.	Name of authority	Type of Case	on whose behalf conducted	Result of the case (Won/Lost)

I. Whether the applicant has been engaged (through Vakalatnama) as counsel in any landmark or mother case? If yes, the particulars of the case with copy of the judgment wherein his/her name is recorded as advocate for one of the parties (Copy of order/judgment be attached as proof):-

1	2	3
Name of the Court	Case title/ No.	Nature and gist of Judgment

J. Whether Income Tax return filed for the last three years- Yes/No (If yes, Please attach the copies of the ITRs.)

K. Details of Bank Account/Aadhar Number etc. be provided below:-

1	2	3	4
Bank Account Details (Name of Bank) Account Number, Address of the branch and IFSC code)	PAN number	Aadhar Number	GST Registration Number, if any

L. Whether any proceeding has ever been commenced or is continuing before the Disciplinary Committee of the Bar Council for alleged professional misconduct against the applicant:-

1	2	3
Sl. No.	Details of allegations and Proceedings	Finding made by the bar council

M. Whether any criminal complaint has ever been filed or FIR registered or any criminal proceeding has ever commenced against the applicant advocate:-

1	2	3
Sl. No.	Details of allegations and Proceedings	Finding made by the Court

N. Any additional professional qualification(s), which will further the candidature, including membership of professional bodies/ societies, awards and honours etc. may be listed in the box below.(Documentary proofs may be attached):

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ANNEXURE-B

SR. no	Item of Work	Fee
1	Full/ Thorough conduct of case/ Second appeal/writ/miscellaneous matter on behalf of RERA (Which includes obtaining copy of the petition/ appeal petition/ writ etc./ drafting and filling of affidavit/ counter affidavit , making various types of applications, making final arguments, filling written arguments & documents, obtaining certified copy of final order etc.)	
2	Fee for giving legal opinion	

UNDERTAKING

- 1) I hereby confirm and declare that the information furnished in the application and in the attached Certificates is true/correct and complete to the best of my knowledge and belief. I have not concealed any relevant information. I am fully aware that if any of the information furnished by me is found to be false/ incorrect, my candidature for the empanelment will be treated as cancelled and matter will be referred to the appropriate authority.
- 2) I also undertake to maintain absolute secrecy about the cases of RERA as required under the Act, Rules and Regulations there under.
- 3) I also undertake to return all case files and records to RERA as and when required by RERA.
- 4) I do not have any such financial or other interest as is likely to affect prejudicially my functioning as an advocate or Legal Advisor of RERA.

Signature of Advocate
Enrolment Number
Mobile Number

Place and Date:-