

# ORIENTAL BANK OF COMMERCE

CIRCLE OFFICE: 4<sup>th</sup> Floor, Harsha Bhawan ,E Block Connaught Place, New Delhi- 110001 E –mail Address: [law.dnw@obc.co.in](mailto:law.dnw@obc.co.in); [law.dse@obc.co.in](mailto:law.dse@obc.co.in)

## ADVERTISEMENT FOR EMPANELMENT OF ADVOCATES

### TERMS & CONDITIONS

#### General

1. The number of advocates required on Bank's panel under the Circle Offices is as under

S.No	District	Junior Panel / Senior Panel	Total
	Delhi	50	50

2. The interested advocates shall send their application alongwith duly filled annexures at the following address for the desired area:

S. No	District & Tehsil within the jurisdiction of	Applications to be sent to the cluster office address:	Last date for receipt of application
1	Delhi State	CIRCLE OFFICE, ORIENTAL BANK OF COMMERCE, 4 <sup>th</sup> Floor, E-Block, Harsha Bhawan, Connaught Place, New Dlehi-110001 E-mail : <a href="mailto:law.dnw@obc.co.in">law.dnw@obc.co.in</a> ; <a href="mailto:law.dse@obc.co.in">law.dse@obc.co.in</a>	21-01-2019 at 5.00pm

3. The size of the panel and number of Advocates in panel shall be determined by the Competent Authority from time to time based on the requirement and quantum of work. The volume of work shall be assessed on the basis of the pending cases in the preceding year and the fresh cases likely to be added in the succeeding year.



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4. The advocate shall not necessarily be empanelled for specific court and shall accept the work assigned to him and shall not refuse to accept any work without reasonable cause.
5. Refusal by any advocate to accept any work otherwise than on grounds of conflict of interest shall be grounds of removal of such advocate from Bank's panel. Similarly, no advocate as long as he/she is on Bank's panel shall contest any matter against the Bank.
6. Applications are to be submitted as per format given in Annexure A along with requisite documents and the application with scanned documents in support of the applicant shall be sent to above mentioned address.
7. Empanelment shall be at the sole discretion of the Bank and no advocate shall claim empanelment as a matter of right. Similarly, work allotted to the advocates shall be as per Bank's policy and assessment and no advocate shall claim allotment of cases as a matter of right.
8. **The logo / emblem of the Bank shall not be used on the letter heads of the Advocate and there shall not be payment of any monthly remuneration nor Bank gives any guarantee for assignment of legal work on daily basis or periodically at regular intervals.**
9. The empanelled advocates shall be paid the professional fee as per Bank's legal fee schedule mentioned hereunder for the work entrusted to them.

## **Period of Empanelment:**

1. The advocates shall be empanelled only for a period of three years which shall be subject to annual review. This shall also be applicable for the advocates who are already empanelled and the advocates who have completed their tenure shall be taken out of the panel, unless empanelled afresh.
2. After the end of three years, empanelment of an advocate shall come to an end and no new cases will be assigned to the advocate.
3. The advocate however, subject to fulfillment of norms can apply afresh for empanelment as and when Bank calls for application as per the prescribed procedure and his/her candidature/ application shall be considered on its merits and the advocate can be empanelled afresh for such fresh period and it shall be treated as a fresh empanelment.
4. In case of legal retainers who perform dual role i.e., as a legal retainer and as a panel advocate, their empanelment as a panel advocate shall be on the aforesaid lines. However, the retainership will be for one year, renewable on year to year basis with maximum period of five years at a stretch.



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## MAINTENANCE OF PANEL AND NUMBER OF ADVOCATES

1. The maximum number of advocates at each District / Tehsil Headquarter shall be need based.
2. In Metropolitan cities where there are more districts within a shorter radius, the panel shall be maintained district court wise.
3. There shall be no overlapping of advocates. i.e., advocate on one panel at a particular district shall not be kept on the panel of other district/place.

## JUNIOR PANEL

The junior level advocate shall be empanelled for Civil Courts / Title Search / Securitisation Act / Consumer Forum/ Central Government Industrial Tribunal / Complaint under Sec. 138 of Negotiable Instruments Act (if amount involved is less than Rs.10 lacs.

The junior panel of advocate shall consist of advocates from amongst the energetic and promising members of the bar preferably with excellent academic background as well.

The advocate to be empanelled under this category shall have a minimum 5 years of standing practice at the Bar or is ex banker having length of service or retired executive of reputed PSU having experience as enumerated hereunder and shall have attended different types of matters before the Courts / Forums / Tribunals. The advocate shall have expertise in most of the following fields:

- Documentation, title search, Banking laws.
- Recovery litigation before Courts and Securitisation Act.
- District Consumer Forum
- Criminal Complaints, Complaints u/s 138 N.I. Act.
- Labour Cases / CGIT

## SENIOR PANEL

The senior level advocate shall be empanelled for High Court / State Commission / DRT / DRAT / National Commission / Supreme Court / NCLT/



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Criminal Complaint including complaint under Section 138 of Negotiable Instruments Act (if amount involved is Rs.10 lac & above) etc.

The senior panel advocates shall have very high eminence, reputation and standing at the bar and not necessarily having the designation of senior advocate granted by the court.

The advocates to be empanelled under this category shall have a minimum 10 years of standing practice at the Bar or is ex banker having length of service or retired executive of reputed PSU having experience as enumerated hereunder and shall have attended different types of matters before the Courts/Forums/Tribunals. The advocate shall have expertise in most of the following fields:

- Documentation, title search, Banking laws.
- Recovery litigation before Courts, including DRT / DRAT and Securitisation Act.
- Consumer Matters, Competition and related economic legislation matters
- Company law, Debenture Trustee matters, NCLT, FEMA, Security Laws and SEBI
- Service laws, cases before labour Court/Tribunal ,CGIT
- Writ jurisdiction and other matters before High Court
- Advocate on Record for matters before Hon'ble Supreme Court

There shall be no overlapping of advocates in Senior as well as junior panel i.e., an advocate on senior panel shall not be kept on the junior panel.

## **Sub-panel/Categories**

Amongst the senior and junior panel, sub-panel shall be created on the basis of their specialization and their services be utilized accordingly for that particular work as detailed here under:

Senior Panel:

- DRT, High Court, State Commission, National Commission etc
- NCLT cases
- Service (HRD) cases
- Criminal cases (other than NI Act cases)
- Suits against bank.



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Junior panel:

- Civil court matters and document vetting
  - District consumer forum cases
  - NEC matters
  - NI Act cases, CMM Applications etc
4. The aforesaid list is only illustrative and not exhaustive. Depending upon the volume and nature of work at a CMO/Cluster, categorization be done at CMO.
5. There shall be no overlapping of advocates in Senior as well as junior panel i.e., an advocate on senior panel shall not be kept on the junior panel.
6. However, where the cases pertaining to one court goes in appeal or otherwise to a higher court such as High court etc in the same city, the same advocate may be engaged as an exception.

## ALLOCATION OF CASES TO ADVOCATES

The distribution and allotment of cases shall be as per policy of the Bank at its sole discretion and no advocate shall claim work as a matter of right

## CRITERIA FOR EMPANELMENT

Advocate to be empanelled shall have the following:-

- i) High standard of integrity, acumen and competency.
- ii) Length of practice and specialization in the area of law beneficial to the Bank & experience in conducting Bank's cases.
- iii) Empanelled with other banks/ FIs/ PSUs / Central/state Governments etc. The advocate shall not have been black listed /removed from panel by any other such organizations & a declaration to this effect is required to be furnished by the Advocate at the time of empanelment.
- iv) Annual income-tax return filed with the Tax Authorities.
- v) If the advocate is also empanelled by other bank/ PSU/ FI then opinion of that bank / PSU/ FI may be obtained.
- vi) Advocates exclusively practicing in criminal courts having minimum experience of 5 years can be empanelled for attending to criminal work. In complicated urgent criminal matters, advocates having expertise in any



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particular matter can also be assigned the work at the sole discretion of the Bank, though not on panel.

- vii) Advocates shall be willing to abide by the Bank's terms and conditions as to fees, charges, submission of pleadings for approval etc. and consent to this effect shall be furnished by the advocate before empanelment.

## **COPIES OF DOCUMENTS TO BE SUBMITTED BY THE ADVOCATE WHILE SUBMITTING BIO DATA**

1. High School Certificate in support of age.
2. Registration with Bar Council.
3. Identity Card issued by Bar Association / Bar Council.
4. Letter of empanelment with other bank /Govt. organizations.
5. Certificates in support of educational qualifications.
6. Annual income-tax return filed with the Tax Authorities
7. An undertaking from the advocate to the effect that all information furnished by him/ her is correct and he/ she shall not demand / charge legal fee in excess of bank's schedule of legal fee shall also be furnished by the advocate.

With a view to broaden the panel of advocates, firms and knowledgeable & experienced ex-professionals in Banking and Personnel matters may be brought on the panel of the advocates. The empanelment guidelines for such law firms and ex-Bankers etc. are given hereunder:

### **1. Empanelment of firms of lawyers on the panel of advocates**

To empanel a law firm on the panel of the advocates following criterion should be met :-

- A. The senior most partner of the firm shall have the minimum experience as stipulated for empanelling an individual advocate, either in senior panel or junior panel.
- B. Power to relax criterion for minimum experience will be the same as in case of an individual advocate.
- C. Depanelment of the firm shall be done in case of any breach of any terms & conditions of engagement by any of the partners / associates of the firm.



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- D. The fee will be paid to the firm as per the schedule of the fee of the Bank.
- E. In case of any deficiency in service or professional misconduct on part of the empanelled firm the Bank may, at its sole discretion, take action against the firm as well as against any of erring partner / associate.
- F. No partner / associates of law firm will appear against the Bank in any legal proceedings so long as they remain associated with the law firm.
- G. The legal work will be assigned to the firm and all the correspondence will be made with the firm through the senior partner / associates of the firm.
- H. Any change in the constitution of the firm must be reported to the Bank and the Bank shall have sole discretion and authority to depanel the firm if the change is of the nature which will render the firm unsuitable to be on the panel of the Bank.

## **2. Criterion for empanelment of advocates who are ex-banker or former executive of PSUs**

The following is the criterion for empanelling advocates who are ex-banker or former executives of PSUs on the panel of the Bank :-

- A. The ex banker / ex executive of PSU is enrolled as an advocate with the Bar Council of respective state.
- B. The ex banker was in the scale IV or equivalent at the time of his leaving the service.
- C. The ex banker must have been in banking services for at least 20 years continuously and his services were not put to an end by the employer bank due to any misconduct on his part.
- D. If the ex banker was the law officer (specialist category) then the criterion may be relaxed as per policy of the Bank.
- E. The ex executive of PSU was in the minimum of E-3 category or equivalent at the time of his/ her leaving the service.
- F. The ex executive of PSU must have been in services of PSU for at least 30 years continuously and has been enrolled with the Bar Council as advocate for two years and his / her services were not put to an end by the employer PSU due to any misconduct on his part.



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- G.** If the ex executive of PSU was the law officer (specialist category) than the criterion of length of service may be relaxed as per policy of the Bank.
- H. Ex-Banker should also hold minimum experience of 3 years practice at Bar either before joining the bank or after retirement**

## REVIEW OF ADVOCATES:

Every year the performance of the advocates on panel shall be reviewed and non-performing advocates shall be removed from the panel on the basis of parameters like pace of disposal of cases, promptness with which Bank's matters are attended to, interest taken on recovery of Bank's dues, adherence to Bank's schedule of legal fees / conditions of empanelment and nature of court orders obtained etc. The review shall be done by the competent authority.

## DEPANELMENT OF ADVOCATES

The matters of counsels whose legal investigation of title and search report proved false or became a matter of question raising doubts about the correctness of the opinion, such counsel shall not be entrusted with any more work of investigation of title and providing search report. Further, besides depaneling of such counsels, if found guilty of misconduct/wrong reporting, action shall be taken against them by filing complaint before the respective bar council as well. However, if the competent authority is satisfied that any advocate is guilty of misconduct / wrong reporting etc., he / she shall be removed from the panel at once. Court cases / DRT matters dealt by him / her shall be re-allotted to other panel advocates.

Misconduct on the part of the Advocate shall mean and include any of the following:-

1. Handing over the brief to another advocate without prior written permission of the bank or refusal of any legal assignment made by the Bank without any cogent reason.
2. Failing to attend the hearing of the case without sufficient reason.
3. Notwithstanding that the advocate's fees has been paid or not:
  - i. Not acting as per bank's instructions or going against specific instructions.
  - ii. Not returning the brief when demanded or not allowing or evading to allow its inspection on demand.





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4. Misappropriation of bank's money in the hands of the Advocates or earmarking the same towards his fees without consent of the Bank.
5. Threatening, intimidating or abusing any of the Bank's employees, officers, directors or representatives.
6. Advocate himself appearing against bank or making any of his chamber mates, associates or juniors to appear on behalf of any of the defendants in Bank's suit/petition without seeking written consent from the bank.
7. Giving of improper legal advice or wrong title opinion.
8. Committing an act tantamounting to contempt of court.
9. Conviction of the Advocate in any offense resulting into punishment of arrest or detention or debaring by the Bar Council upon a complaint filed by his clients without limiting to bank.
10. Giving false information in the application for empanelment.
11. Passing on information relating to Bank's case on to adversaries or their advocate which may cause damage to the bank's interests and
12. Giving false or misleading information to the bank relating to the proceedings of the case.
13. Any other professional misconduct.

Further Bank may seek explanation from advocates who wrongly certify as to clear legal titles in respect of assets, by negligence or connivance, and if no reply/satisfactory clarification is received from them within one month, Bank may report their names to IBA.

The fee payable to the advocate shall be as per the fee schedule in vogue at the time of assignment/ entrustment of the case. The fee as per schedule payable to the advocate is the maximum fee permissible and shall be negotiated by the competent authority to keep it at a minimum. No advocate shall demand fee which is higher than as prescribed in Bank's fee schedule.



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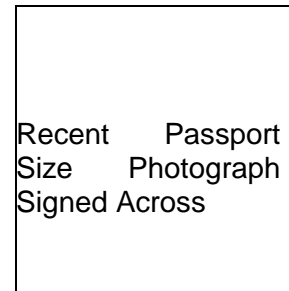
Annexure A

(Printout to be taken on letter head of firm/advocate/blank)

## FORMAT OF APPLICATION AND BIO DATA FOR ADVOCATE

(In case of Law Firm, Annexure B is required to be filed along with Annexure A)

With reference to your Advertisement published in \_\_\_\_\_ newspaper dated: \_\_\_\_\_, I request you to consider my application on your Bank's panel of advocates and necessary details are furnished hereunder.



1. Name
2. Date of birth, Age (as on date of application: .... Years.....Months)
1. Gender :
2. PAN No.
3. Office/Chamber Address :
4. Home Address :
5. Telephone No. (Mobile.....Landline.....)
6. E-mail address :
7. Educational qualifications (most recent first)

S.No.	Degree/Qualification	Institution	Year of passing	%age marks/CGPA	of

8. No. & Date of Enrolment and Name of Bar Council :

9. Membership of Bar Associations :

S.No.	Name of Bar Association	Membership No.	Member Since	Whether is presently



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				office bearer? If yes-Post

## 10. Details of Experience/practice (most recent first)

S.No.	Area of practice (civil/criminal/commercial etc.)	Court/s /Tribunals/Authorities before which practiced	Period of practice (from year – to year)

## 11. Specialization, if any (Banking/Writ/taxation/ etc.)

## 12. Details of few important reported cases handled by the Advocate (maximum ten):

S.No.	Title	Citation	Date of Judgment	Court

## 13. Whether on panel of other Banks/PSUs/Central Govt./State Govt. :

S.No.	Name of Institution/Authority/Body	On Panel from	On panel till	Average number of matters assigned by the institution in a year

## 14. Computer Knowledge :

S.No.	Qualification/Certification in Computer Applications : Yes/No	If yes, name of Course	Name of Institute	Year of passing

## 15. If the answer to point no. 14 above is no, whether the advocate possesses functional knowledge of computers/internet and is able to operate apps on a smartphone? Yes/No



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16. Whether Income Tax payee? If yes, please give details as under for last three financial years:

(Rs. In Lacs)

S.No.	Assessment Year	Earnings/Gains from legal profession	Tax paid	

17. Whether advocate has any outstanding loan facility from Oriental Bank of Commerce? If yes, details thereof :

18. Whether advocate has ever been a loan defaulter of any Bank/financial institution? If yes, details thereof :

19. Whether advocate has ever been depanelled from any institution? If yes, details :

S.No.	Institution	Date of empanelment	Date of Depanelment	Reasons for depanelment	Present status

20. Facilities/Amenities available for legal work :

S.No	Whether own chamber/Office Space :Yes/No	No. of Juniors	No. of Computers/Laptops	No. of Vehicles including two wheelers	Whether adequate number of Books/Referencers/Journals, telephones/internet connections etc. available :Yes/No

21. Whether the advocate belongs to the minority community? Yes/No

22. Whether the advocate belongs to Scheduled Caste/Scheduled Tribe? Yes/No



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23. Whether the advocate is an ex-banker or former executive of PSU, if yes, details :

S.No.	Name of Bank/PSU	Period of employment (date from-date till)	Position Held at the time of leaving service	Grade/Scale/Category/Band of position held at the time of leaving service	Whether advocate was employed as Law Officer in Bank/PSU prior to leaving service

24. Any other information which the advocate wishes to provide for the Bank to consider w.r.t. his/her suitability for empanelment.

Declaration cum Undertaking: I declare that I have never been blacklisted/ removed from panel/service by any organization and have never been penalized by any bar council in any matter. All the information provided by me in my application are correct. In case any information is found to be incorrect at any stage, the Bank shall be at liberty to take any suitable action as per the Bank's sole discretion including, but not limited to, lodging of complaint with Bar Council and/or initiating civil/criminal proceedings. In case my name is included in Bank's panel of advocates, I also undertake to abide by all the terms and conditions of empanelment and I shall not demand/charge legal fee in excess of Bank's fee schedule.

Date :

(Signature)

Place :

Enclosures : (Self attested copies of :)

1. Enrolment Certificate issued by Bar Council
2. Bar Council Identity Card
3. Certificates in support of educational qualifications : (Matriculation Onwards – Only degree/certificate and final/consolidated marksheets to be submitted)
4. Annual Income Tax returns (last 3 financial years)
5. Letters of empanelment with other Banks/Organisations



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Annexure B

## FORMAT OF APPLICATION AND DETAILS FOR LAW FIRM

1. Name of the Law Firm
2. Constitution :
3. Address :
4. Telephone Nos.
5. E-mail addresses :
6. PAN No.
7. Names of Partners/Associates etc.
8. Date of incorporation/registration
9. Number of employees :
10. Services Offered :
11. Specialization, if any (Banking/Writ//taxation/ etc.)
12. Whether on panel of other Banks/PSUs/Central Govt./State Govt. :

S.No.	Name of Institution/Authority/Body	On Panel from	On panel till	Average number of matters assigned by the institution in a year



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## 13. Facilities/Amenities available for legal work :

S.No	Whether own chamber/Office Space :Yes/No	No. of employees /associates	No. of Computers /Laptops	No. of Vehicles including two wheelers	Whether adequate number of Books/Referencers/ Journals, telephones/internet connections etc. available :Yes/No

## 14. Any other information which the firm wishes to provide for the Bank to consider w.r.t. his/her suitability for empanelment.

Date :

(Authorised Signatory)

Place :

Enclosures : (Self attested copies of :)

1. Partnership deed/Certificate of Incorporation/Registration
2. Details of all partners individually as per Annexure A