



INDIAN COUNCIL OF AGRICULTURAL RESEARCH
Krishi Bhavan, Dr. Rajendra Prasad Road,
New Delhi-110001

F.No. 2-14/2015 - Law

Dated: 20th January 2017

To

The Directors of
All ICAR Institutes/PDs/NRCs/Bureaux

Subject:- Revised legal fee payable to empaneled advocates of ICAR for contesting/defending court cases in various courts and rendering other professional services.

Sir,

Undersigned is directed to convey the decision of the competent authority of the Council to revise the legal fee payable to the advocates engaged by ICAR and its institutes for contesting/defending the cases and rendering other professional services. The revised fee schedule will come into effect from 1st February, 2017. The revised fee schedule alongwith definitions/clarifications to the fee schedule is enclosed. All cases entrusted to advocates prior to 1st February, 2017 shall be strictly governed by old fee schedule

Revised fee schedule alongwith definitions/clarifications please be made available to the panel advocates contesting/defending cases of the Institutes.

Yours faithfully,

(S.K. Singh)

Legal Advosor

Encl. As above

Copy to I.S.O, DKMA with request to upload on ICAR website

Fee Schedule w.e.f. 1st February, 2017

A. Court Cases

S.N	Particulars	Supreme Court	High Court	CAT	Lower Court
1.	Drafting of SLP/Writ Petition/LPA/WS/Revision/ Review Petition/Plaint/ Original Suit /Counter Affidavit/ Appeal/ Reply etc./Reply to O.A./Review in CAT/Reply to Review	Rs. 7500/-	Rs. 4000/-	Rs. 3000/-	Rs. 2500/-
2.	Fee for drafting Misc. Application/Interlocutory Application/Replies thereto/Interim Application and its Replies/Affidavit etc.	Rs. 3500/-	Rs. 2500/-	Rs. 2000/-	Rs. 1500/-
3.	Fee for Appearance including Conference/ preparation of brief for Sr. Advocate for arguments/ obtaining opinion of Sr. Advocate.	Rs. 25000/-	Rs. 15000/-	Rs. 11000/-	Rs. 5000/-
4.	File Inspection	Rs. 2000/-	Rs. 1000/-	Rs. 750/-	Rs. 500/-
5.	For Drafting and Filing Caveat Petition	Rs. 5000/-	Rs. 4000/-	N.A.	Rs. 2000/-
6.	Out station Appearance / Case Fees + Travel Expenses+ Boarding & Lodging + Daily Allowances	Same as the Appearance fee. Boarding/ Lodging/Conveyance as per entitlement of DS ICAR, Hqrs.	Same as the Appearance fee. Boarding/Lodging/Conveyance as per entitlement of US, of ICAR Hqrs.	Same as the Appearance fee. Boarding/Lodging/Conveyance as per entitlement of US, of ICAR Hqrs.	Same as the Appearance fee. Boarding/Lodging/Conveyance as per entitlement of SO ICAR or AO of institute in G.P. Rs. 5400/-)
7.	Clerkage	10% of the fees payable to Advocate on drafting	10% of the fees payable to Advocate on drafting	10% of fee payable to Advocate on drafting	10% of fee payable to Advocate on drafting
8.	Upper Ceiling (on total of S.No.1 to S.No. 7)	Rs. 80,000/- (excluding out of pocket expenditure)	Rs. 50,000/- (excluding out of pocket expenditure)	Rs. 40,000/- (excluding out of pocket expenditure)	Rs. 25,000/- (excluding out of pocket expenditure)

B. Other Legal Matters

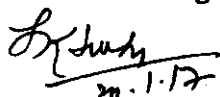
1.	Written Legal Opinion (other than the cases entrusted to advocate)	Rs. 5000/- consolidated
2.	For drafting legal notice/reply to legal notice	Rs. 5000/- consolidated
3.	Fee for drafting, vetting, finalization of agreement/ deed/ MoU etc. & other similar legal documents	Rs. 5000/- consolidated

B. Singh
20/11/17

DEFINITIONS/CLARIFICATIONS TO THE FEE SCHEDULE

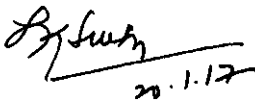
For the purpose of fee schedule, the expressions:-

1. **'Effective Hearing'** means a hearing in which either one or both the parties involved in a case are heard by the Court. If the case is mentioned and adjourned or only directions are given or only judgment is delivered by the Court, it would not constitute an effective hearing, but will be treated as non-effective hearing and no fee shall be payable for such hearing.
2. **'Uncontested Cases'** means if cases are withdrawn by the Plaintiff/Appellant/Applicant/Petitioner 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 any stage of the final hearing or is withdrawn by the ICAR/Institute at the time of Admission or when a decision is given after hearing arguments on both sides.
3. **'Substantial Work'** means when the case has been admitted by the Court/Tribunal after hearing the Preliminary Objections or filling of the Affidavits / Counter Affidavits etc. by the Advocates, 'substantial work' will be deemed to have been done.
4. **'Identical Cases'** or **'Connected Cases'** means when there are two or more cases in which substantially identical questions of law or facts are involved and where the main difference is in the names, addresses of the parties concerned, amount of money involved etc., where common or identical judgments are delivered irrespective of the fact whether all the cases are heard together or not.
5. **'Out of pocket expenditure'** as stated at S.No. 7 of Table 1 shall include expenditure incurred by the panel advocate on account of photostat/ court fee/ stamps/ attestation charges/ spiral binding /paper books/ courier/ fax/ postal charges/ vakalatnama/ certified copy etc. Actual expenses shall be paid on the basis of written certification of the advocate concerned, subject to scrutiny by ICAR/Institute.
6. For arbitration cases before Arbitrator, fee shall be decided by competent authority keeping in view stakes involved on case to case basis.
7. For cases arising out of Arbitration Award, same fee shall be paid as paid to advocates rendering services depending upon as in which court case is heard.
8. National Consumer Disputes Redressal Commission, State Consumer Disputes Redressal Commission and Distt. Consumer Disputes Redressal Commission shall be treated as equivalent to High Court, CAT and Distt. Court respectively and same fee shall be payable as for these courts.
9. EPF Appellate Tribunal, other Commission or Judicial/Quasi Judicial authority order/ judgment of which are challengeable in High Court, fee shall be payable as for CAT cases.
10. In all cases effective appearance is necessary for the advocate to claim the fee. No fee will be payable in cases where no legal work is required to be done e.g. cases in which the interests of the ICAR/Institute are to be watched.
11. If the advocate appears at the instance of the ICAR/Institute for the parties other than the ICAR/Institute whose case is not inconsistent with that of ICAR/Institute, he will be entitled to only one set of fee.
12. In 'uncontested cases' the fee shall be one third the fee otherwise payable but if such a case is later on restored and decided in contest the remaining two-third of the fee will be payable.


20.1.12

...2/-

13. Where two or more cases involving substantially identical question of law or facts are filed, any one of such cases will be treated as a main case and the others as connected case and the fees in such cases will be regulated as under, irrespective of the fact whether all the cases are heard together or not.
- (i) When the Advocate files Affidavits, Applications or Grounds of Appeal etc. in all Connected/ Identical Cases and the Cases are decided accordingly, the Advocate shall be paid the full fee in the main case and $1/4^{\text{th}}$ in each of the connected cases.
 - (ii) When the main case and the connected cases are disposed of without contest, the Advocate shall get $1/3^{\text{rd}}$ fee in the main case, and $1/3^{\text{rd}}$ fee of the main case in each of the connected matter.
 - (iii) Appeals, Revision or Petitions arising from the common Judgment or Order will be considered together as one case, if they are heard together.
14. The fee to the advocate will be paid by the ICAR/Institute on presentation of a pre receipted stamped receipt, and on submission of a copy of the document drafted if it is a drafting fee and submission of gist of proceedings or a copy of Order / Judgment as the case may be in case if the claim is for appearance fee.
15. During the pendency of a proceeding if an advocate is changed for some reason, fee commensurate to the work done by the outgoing advocate may be paid. In such an event the balance of fee payable in the case will be paid to the new advocate as per admissibility.
16. The advocate shall not be entitled for any special fee in the normal course. Only in rare cases where the nature of the work is so intricate and complicated involving question of law and arduous work with multiplicity of hearings etc., a reasonable claim for special fee can be considered with the approval of Competent Authority.
17. The fee payable to the empanelled advocates shall be subject to the upper ceiling prescribed in the Schedule to this Scheme.


20.1.17