CIRCULAR

Principal Controller of Defence Accounts (Western Command),
Chandigarh-160009
Tel.No.: 0172-2741611 Ext. (225)
E-mail: cda-chd@nic.in

29/10/2018

To

All AO GE(s)/UA DEOs
AO GE (N) Ambala
AO GE (S) Pathankot
AO GE (E) Delhi cantt.
AO GE (E) Jalandhar cantt.
AO GE Satwari, Jammu,
“E” Section PCDA, WC (UA DEO Chandigarh)

Sub: on account of legal fee bills

It has come to notice of Main Office that some of the UA DEOs send legal fee bills for pre audit to Main Office but similar practice is not followed by all UA DEOs under jurisdiction of this office. Further many references have been received in this regard for delayed payment of legal fee bills of Counsels. To avoid such delay, Competent Authority has decided that the AO GE(s) concerned dealing the work of UA DEOs are now being authorized to pre audit and release of payment of such bills at their level without sending them to Main Office.

In view of the above, it is informed that in future such legal fee bills may be pre audited and passed by the concerned AO GE after duly vetted by UA DEOs without sending them to Main Office. Further the payment may please be authorized as per relevant orders of GoI Ministry of Legal and Justice Department of Legal Affairs.

This has approval of PCDA

GO (E)

Copy to:

OI/C For uploading on PCDA,WC website under distinct icon
IT & S (Orders on Legal Fee Bills Payment). All orders on legal fee
Local bills be included under this title.

GO (B)
OFFICE MEMORANDUM

Subject: Revision of fees payable to Senior Central Government Standing Counsel and Additional Central Government Standing Counsel in various High Courts (except High Courts of Delhi, Mumbai, Calcutta, Chennai and Karnataka) and Senior Counsel of various High Courts (except High Courts of Delhi, Mumbai, Calcutta and Chennai).

The question of revision of terms of engagement of the Senior Central Government Standing Counsel and Additional Central Government Standing Counsel in various High Courts in India Courts (except High Courts of Delhi, Mumbai, Calcutta, Chennai and Karnataka) and Senior Counsel of various High Courts (except High Courts of Delhi, Mumbai, Calcutta and Chennai) was under consideration of the Government and it has now been decided to revise their terms of engagement as in the Scheme enclosed w.e.f. 1.10.1999.

2. For the guidance of the various Ministries/Departments, the following clarifications/guidelines are given for settling the fee bills, TA/DA etc., payable to them for their engagement in various High Courts and its Benches, in the District and Subordinate Courts, Tribunals, Commission of enquiry, before the Arbitrators/Umpires etc. in the country: -

(a) The counsel will be engaged only in accordance with the revised terms and conditions applicable to them w.e.f. 1.10.1999 and no case for payment of fee at higher rates than the rates prescribed in the Revised Scheme will be entertained by this Department.

(b) In respect of the cases listed for hearing in the various High Courts or its Benches, the Counsel will be engaged by the Senior Central Government Standing Counsel, In-charge of the litigation cases depending upon the importance of the case, legal issue and financial stakes involved. However, in respect of their engagement in Courts, Commissions of Inquiries, Tribunals etc. outside the Headquarters of the High Court or its Bench concerned, prior approval of the Department of Legal Affairs will be required.
(c) As in the past, Ministry of Law, Justice and Company Affairs, Department of Legal Affairs, will only be making the payment of monthly retainer to the Standing Counsel and installation and annual rental charges of telephone provided to them.

(d) For appearance in the High Court or its Benches on behalf of the Ministries/Departments of the Government of India, the expenditure in connection with the fee payable to them, other miscellaneous and out of pocket expenses will be borne by the Ministry/Department on whose behalf the Counsel conducts the cases in the concerned High Court or its Bench. The expenditure relating to TA/DA payable to the Counsel for their appearance in Courts/Tribunals, Commission of Inquiries etc. outside the Headquarters has to be borne by the Ministry/Department on whose request the Counsel is engaged to conduct the case.

(e) The Counsel will be paid fee at the old rates in respect of their appearance in the High Court etc. and other work done by them prior to 1st October, 1999 and at the revised rates in respect of the work done by them on/after 1.10.1999. However, in cases where the Sr. CGSC/Addl.CGSC has put in some appearances before 1st October, 1999 and some on/after 1.10.1999 the Counsel will be paid fee in respect of appearances at the revised rates for the entire cases. The fee in respect of drafting work will be paid in accordance with the rates which were applicable to him at the time he completed the drafting work.

(f) The present procedure (as amended from time to time) regarding the 'High Fee Cases' or engagement of Special Panel Counsel will continue to be followed.

(g) The Scheme contained in this Office Memorandum will also apply to counsel of Central Administrative Tribunal. However, the fee payable to them will be borne by the Ministry/Departments themselves.

4. All the Ministries/Departments which propose to engage the Counsel to appear in various High Courts are requested to contact the Senior/Central Government Standing Counsel engaged by the Department of Legal Affairs in various High Courts directly. However, for the engagement of Counsel outside the Headquarters at which the High Court or its Bench is located, they may obtain the approval of the Department of Legal Affairs, Ministry of Law, Justice and Company Affairs, New Delhi. The Departments are, however, requested to make arrangements for their travel in consultation with the Counsel concerned. They are also requested to ensure that the bills in this respect are made in their names and settled by them directly so that the necessity of reimbursement of expenses incurred by the Counsel later is minimized and they are not put to inconvenience.

5. All the Ministries/Departments are, however, requested to ensure that the bills in respect of other expenditure, if incurred by the Counsel in connection with the TA/DA for their appearance in various Courts etc. outside their Headquarters are
sanctioned and money paid to them immediately and in any case not later than a month from the date of receipt of the bills in all respects including fees, TA/DA etc.

6. The Competent Officers of the Ministries/Departments may, under the powers vested in them under the Delegation of Financial Power Rules, 1970, and after satisfying themselves that the fee bill and other bills are in order in all respects may sanction payment to the Counsel and make payment at the earliest without consulting the Department of Legal Affairs, Ministry of Law, Justice and Company Affairs. However, where the fee bills prepared by the Counsel does not strictly conform to the Scheme or where there is any doubt or difference of opinion between the Administrative Ministry/Department and the Counsel on any particular item of fee etc., the matter may be referred to this Department for clarification. In case where the Counsel has been engaged without settling his terms in consultation with this Department, the existing procedure of getting the fee bills certified by this Department will continue.

7. If any, difference or doubt arises in respect of fee or other bills claimed by the Counsel, the matter may be referred to the Law Secretary whose decision shall be final.

(Krishna Kumar)
Joint Secretary & Legal Adviser to the Govt. of India

Copy forwarded to:

1. All the Ministries/Departments to the Government of India.
2. All Senior/Central Government Standing Counsel/Additional Central Government Standing Counsel in various High Courts (as per list enclosed).
4. Legal Adviser, Railway Board, New Delhi (5 s/copies).
5. Joint Secretary (Legal), Department of Revenue, New Delhi.
7. GBDT, Department of Revenue, Ministry of Finance, New Delhi(5 s/copies).
8. Central Agency Section, Litigation (HC/LC) Sections/Cash/Admn.II.(LA)/ B&A/Advice A/B/C Section (5 s/copies)
10. Pay and Accounts Officer, D/Legal Affairs, New Delhi.
11. Guard File/Judicial Section (40 s/copies).
12. O.L. Section for Hindi translation.

(S.K. Kalra)
Section Officer
Ministry of Law, Justice and Company Affairs  
Department of Legal Affairs  
Judicial Section  
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Revised Scheme containing terms and conditions for the engagement of Senior/Central Government Standing Counsel and Additional Central Government Standing Counsel on behalf of the Government of India in respect of Civil Litigation and such Criminal cases as may be entrusted to them in various High Courts in India (except High Courts of Delhi, Mumbai, Calcutta, Channai and Karnataka) effective from 1.10.1999.

I. **SCOPE OF THE SCHEME**

1. The Scheme will be operative in respect of all the Civil litigation cases and such criminal cases on behalf of the Government of India (except the Railways and Income-tax Departments) as may be entrusted to the Counsel in various High Courts in India (except High Courts of Delhi, Mumbai, Calcutta, Channai and Karnataka). However, the Counsel will not put in their appearance as a matter of course, in cases relating to Central Sales Tax unless they have been specifically instructed otherwise, in regard to any particular case.

2. **IN-CHARGE OF LITIGATION CASES**

The Senior Central Government Standing Counsel in a particular High Court or its Bench, will be in-charge of the entire litigation work on behalf of the Government of India before concerned High Court or its Bench, except such of the work for which separate arrangements have been made i.e. in respect of Railways and Income-tax Departments.

3. **ALLOCATION OF CASES TO THE COUNSEL**

Allocation of cases to the Central Government Standing Counsel and Additional Central Government Standing Counsel will be made by the Senior/Central Government Standing Counsel, In-charge of the litigation work in the concerned High Court or its Bench. As far as possible the Sr.C.G.S.C will ensure that the distribution of work between him and the other Additional Central Government Standing Counsel is fair.

II. **DEFINITIONS**

1. For the purpose of this Scheme, the expressions

(a) 'Counsel' means and includes the Senior/Central Government Standing Counsel and Additional Central Government Standing Counsel;
(b) 'Government of India' means and includes the Government of India and the Government of a Union Territory.

(c) 'Law Officer' means and includes the Attorney General for India, the Solicitor-General for India and Additional Solicitors-General for India.

III. STANDING COUNSEL AND ADDITIONAL STANDING COUNSEL

1. Senior/Central Government Standing Counsel and Additional Central Government Standing Counsel

There will be one Senior Central Government Standing Counsel and a panel of counsel consisting of Additional Central Government Standing Counsel to conduct the litigation cases on behalf of Government of India before the concerned High Court. The strength of the Counsel engaged/empanelled may be determined by the Government of India from time to time.

IV. TERM OF ENGAGEMENT

1. Initial/further engagement: The term of engagement of the Counsel would be for a period of three years or until further orders whichever is earlier. The term may be extended for a further period not exceeding three years, at the discretion of the Government of India.

2. Termination of engagement: The engagement/empanelment of the Counsel would be terminable at any time without assigning any reason.

V. HEADQUARTERS OF THE COUNSEL

Headquarters at the place of the usual sitting of High Court or its Bench: The Counsel will locate his Headquarters during the period of his engagement as such at the place of the usual sitting of the High Court concerned or its Bench as the case may be.

VI. DUTIES

The Counsel shall

(i) appear in the concerned High Court or its Bench in the cases marked to him by the Senior Central Government Standing Counsel, In-charge of the Litigation work;

(ii) the Senior Central Government Standing Counsel, In-charge of the litigation work in the concerned High Court or its Bench will mark cases to other Additional Central Government Standing Counsel and shall
ensure that as far as possible the distribution of work between him and the other Additional Central Government Standing Counsel is fair;

(iii) if so required, appear in the District and Subordinate Courts, Tribunals, Commissions of Inquiry, before the Arbitrators/Umpires etc. at the Headquarters. He may also be required to appear in Courts, Tribunals, Commissions of Inquiry, before the Arbitrators/Umpires outside the Headquarters;

(iv) when any cases attended to by him is decided against the Government of India and/or its officers, give his opinion regarding the advisability of filing an appeal from such a decision;

(v) render all assistance to the Law Officers, Advocate General of the State Government, Special or Senior Counsel, if required to do so, who may be engaged in a particular case before the High Court, Tribunals, Commissions of Inquiry, before the Arbitrators/Umpires etc.;

(vi) keep the Department concerned informed of the important developments in the case from time to time, particularly with regard to drafting, filing of papers, dates of hearing of the cases, supplying copies of judgements etc.;

(vii) furnish to the Branch Secretariat concerned with a particular High Court and the Department of Legal Affairs periodical statements and reports/returns, which may be called for from time to time.

(viii) render detailed account of the advance in the form of out of pocket expenses to the Ministry/Department from whom the advance has been drawn; and

(ix) perform such other duties of a legal nature which may be assigned to him by the Department of Legal Affairs, Ministry of Law, Justice and Company Affairs from time to time.

VII. **RETAILER AND OTHER PERQUISITES**

1. **Retainer payable to Senior Central Government Standing Counsel:**

   The Senior Central Government Standing Counsel will be paid a monthly retainer of Rs.2250/- (Rupees two thousand two hundred fifty only) which will include charges for staff, office, rent and postage and other establishment charges. The Additional Central Government Standing Counsel will not be entitled to any retainer and other perquisites mentioned herein.

2. **The retainer will be paid by the Ministry of Law, Justice and Company Affairs, Department of Legal Affairs, New Delhi.**

VIII. FEE PAYABLE TO THE COUNSEL

1. The fees payable to the Counsel would be as follows:

   (i) Civil or Criminal writ Petitions under Articles 226 and 227 of the Constitution or Special Appeals from orders made in Such petitions

       If in case hearing on a Writ Petition goes On for more than 3 days Rs.2250/- per case

       Rs.375/- per day

       for every addl. day

       (not exceeding three in number) by way of refresher fee.

   (ii) Petitions under Article 132 or 133 of the Constitution in civil or criminal cases Rs.900/- per case

       per day subject to a

       maximum of Rs.1800/- for the case

   (iii) Original Suits Regulation fees or

       the fee which the Court decrees

       ever is

       higher

   (iv) Civil appeals from decrees in original suits and proceedings except under Articles 226 and 227 of the Constitution second Appeals LPA other than those mentioned in item (i) above and Land acquisition appeals to the High Court

       Rs.1050/- per petition

       for each case regulation fee or fee fixed by the Court whichever is higher

   (v) Civil or Criminal Revision Petitions

       Rs.750/- per case

   (vi) Civil Miscellaneous Applications or Petitions under the Indian Succession Act, Contempt of Court Proceedings and other Proceedings of an original nature specifically not provided otherwise.

       Rs.1050/- per case

       or the amount fixed by the Court, whichever is higher

   (vii) Reference to the High Court under Sales Tax Act and Banking Company Petitions

       Rs.1050/- per case

       or the amount fixed by the Court, whichever is higher
(viii) Company Petitions to be regulated by the rules contained in Appendix III of the Company’s (Court) Rules, 1959.

(ix) Examination of title deeds

2 1/2% of the amount in the transaction such as sale mortgage etc., subject to a minimum of Rs.120/- and a maximum of Rs.300/- per petition

Rs.1200

(x) Civil Miscellaneous Petitions for purposes transfer petitions and other civil miscellaneous petitions applications not otherwise provided for Rs.300/- per petition

(xi) Written opinion other than referred to in VI(iv) Rs.450/-

(xii) For drafting pleading i.e. written statements in suits and counter affidavits/returns/answers to the writ petitions, grounds of appeals and applications for leave to appeal to the Supreme Court Rs.750/- per pleading

(Explanation: If substantially identical affidavits/written statements/grounds of appeal, applications are drafted in connected cases, only one drafting fee will be payable in the main case and no separate drafting fee will be paid in connected cases).

(xiii) “Appeals arising under Section 54, of the Foreign Exchange Regulation Act, 1973” Rs.1800/- per Appeal

(xiv) For conducting the arbitration cases of the Central Government before the Arbitrators/Umpires at their Headquarters, the Counsel will be entitled to a fee of Rs.240/- for the first hour and Rs.120/- per half hour of hearing, thereafter provided, however, that no fee will be payable where a case is adjourned for reasons personal to him or after advance notice to him.

2. When the Counsel does not argue the case himself but only assists the Law Officer, Advocate General of the State Government or other Special/Senior Counsel, he will be entitled to the same fee as are payable to him deeming that he has appeared and argued the case himself.
3. Fees for appearance in the case in the Subordinate Court at the Headquarters will be Rs.750/- for the first day and Rs.450/- for each subsequent day.

IX. **OUT OF HEADQUARTERS**

1. If the Counsel is required to go out of Headquarters in connection with Central Government litigation e.g. for conference with a Senior Counsel, Appearance in a Court outside the Headquarters, he will be entitled to a daily fee of Rs.1200/- per day for the days of his absence from the Headquarters including the day of departure from intervening holidays and arrival back at the Headquarters. But no fees will be paid for the day of departure if he leaves the Headquarters after Court hours or for the day of arrival if he arrives at the Headquarters before the Court hours.

2. **Travel/Hotel expenses:** In addition to the daily fee, the Counsel will also be entitled to travel expenses for travel by air (economy class) or first class by train, road mileage for the journey from his Headquarters to the airport/railway station and vice-versa and from the airport/railway station to the place of his stay out of Headquarters and vice-versa at the rates admissible to Grade I/Class I Officers of the Central Government. He will also be paid a lump sum amount of Rs.300/- as conveyance charges for performing local journey while outside the Headquarters. He will also be entitled to a reasonable actual expenses for stay in Hotel, subject to a maximum of Rs.600/- per day.

X. **CLERKAGE**

In addition to fees mentioned above, the Counsel will be entitled to 10% of fees subject to a maximum of Rs.1800/- in a case or batch of cases by way of clerkage.

XI. **OUT OF POCKET EXPENSES**

The amount required for court fees at the time of filing a case and other miscellaneous expenses not exceeding Rs.300/- should be obtained by the Counsel in advance from the concerned Ministry/Department on whose behalf the Counsel conducted the cases in the concerned High Court. An account of the expenses incurred should be rendered to that Ministry/Department while presenting the final fee bill.

XII. **RIGHT TO PRIVATE PRACTICE AND RESTRICTIONS**

1. A Counsel will have the right to private practice which should not, however, interfere with the efficient discharge of his duties as a Counsel for the Government of India.
2. A Counsel shall not advise any party in or accept any case against the Government of India in which he has appeared or is likely to be called upon to appear for or advise or which is likely to affect or lead to litigation against the Government of India.

3. If the Counsel happens to be a partner of a firm of lawyers or solicitors it will be incumbent on the firm not to take any case against the Government of India in the concerned High Court or any case arising in other courts out of these cases e.g. appeals and revisions in the High Court or Supreme Court.

XIII. GENERAL

1. The various terms used in this Scheme will have the following meaning:

   (a) **Effective Hearing**: 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 termed as non-effective hearing.

   (b) **Uncontested Cases**: All suits and appeals are deemed to be ‘uncontested’, if these are withdrawn by the plaintiff/appellant or are dismissed in limine or are otherwise decided by the Court ex-parte before the final hearing. No Writ Petition/Revision Petition/Second Appeal (including any interlocutory application connected therewith) will be considered as ‘uncontested’ if it is decided by the Court on preliminary legal objections or is withdrawn by the petitioner/appellant or during any stage of the final hearing in the presence of the Government or is withdrawn by the Government at the time of its admission.

   (c) **Substantial work**: When the case has been admitted by the Court after hearing of preliminary objections or filing of the affidavits/counter-affidavits etc. by the Counsel ‘substantial work’ will be deemed to have been done.

   (d) **Identical Cases**: Two or more cases where substantially identical questions of law of facts are involved and where the main difference is in the names, addresses of the parties concerned, amount of money involved etc. where the common or identical judgements are delivered irrespective of the fact whether all the cases are heard together or not.

2. In all cases, effective appearance is necessary for the Counsel to claim fee.

3. 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 Government of India are to be watched pending instructions, cases regarding transmission
of record to the Supreme Court, inspection of the Court record for ascertaining the position of the case or other information needed.

4. No fee will be admissible for preparation but the Government may consider for payment of a separate fee for preparation in special cases involving arduous work.

5. If the Counsel appears at the instance of the Union of India for parties other than the Union of India whose case is not inconsistent with that of the Union of India, he will be entitled to only one set of fee.

6. Appeals, revision or petitions arising from one common judgement or order will be together considered as one case, if they are heard together.

7. When cases argued before a Single Judge are referred to a Division Bench or to a Full Bench separate fee at the prescribed rates will be paid for appearance before each Bench.

8. In 'uncontested cases' the fee shall be one-third of the fees otherwise payable but if such a case is later on restored and decided in contest, the remaining two-thirds of the fee will be payable. A case shall be regarded as contested when a decision is given after hearing arguments on both sides.

9. No fee will be payable to the Counsel if an advance notice about the adjournment has been issued or the adjournment of the case has been made at his request due to reasons personal to him.

10. Where two or more cases (but not more than 10 cases) involving substantially identical questions of law or facts, any one of such cases will be treated as a main case and the others as connected cases and the fees in such cases will be regulated as under, irrespective of the fact whether all the cases are heard together or not:

(a) when the Counsel filed separate and materially different affidavits, applications or grounds of appeal etc. in more than one case but the argument is heard in the main case and the other cases are decided accordingly, the Counsel shall be paid the full fee in the main case and Rs.150/- in each of the connected cases.

(b) when the main case has been contested as in (a) above, but in the connected cases either affidavits or grounds of an appeal or petition similar to the one in the main case or nothing at all has been drafted by the Counsel, he shall be paid the full fee in the main case and Rs.75/- only in each of the connected cases.

(c) When substantially different affidavits are drafted in each connected case but all the cases are disposed of without contest, the Counsel shall get 1/3rd fees in the main case and Rs.150/- in each of the connected cases.
(d) When the Counsel has drafted the affidavit, petition or ground of appeal in the main case and has not drafted them in the connected cases or the drafts in the connected cases are substantially similar to the one in the main case and the cases are disposed of without contest, the Counsel shall get 1/3rd fees in the main case and Rs. 75/- in each of the connected cases.

11. The fee to the Counsel will be paid by the concerned Department/Ministry on whose behalf the Counsel conducted the case on presentation of a stamped receipt, and on submission of a copy of the document drafted, if it is drafting fee and submission of minutes or gist of proceedings, or a copy of order/judgement where it is necessary in case the claim is for appearance the counsel submit his fee bills within three months from the date on which the fee has accrued.

12. The fee will be payable in two stages firstly, 1/3rd fee after substantial action has been taken, i.e. fist stage and secondly the remaining 2/3rd fee after the case has been decided i.e. second stage.

Provided, however, where during the pendency of a proceeding a Counsel is changed for some reason or the other, a fee commensurate to the work done by the outgoing counsel, not exceeding 1/3rd of the total fee admissible for the case, may be paid. In such an event the balance of fee payable in the case will be paid to new Counsel after completion of the case. As regards, admissibility and quantum of fee in such cases, the decision of the Officer-in-charge of the Judicial Section of the Department of Legal Affairs shall be final.

13. In the event of any doubt or difference regarding the fees, the fee determined by the Secretary, Department of Legal Affairs, Ministry of Law, Justice and Company Affairs, shall be final and binding. He may, by an order in writing, relax any of the provisions contained in the Scheme.

(Krishna Kumar)
Joint Secretary & Legal Adviser to the Government of India
F. No. 26(1)/99-Judl.

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Scheme containing terms and conditions for the engagement of Senior Counsel in respect of Civil Litigation cases and Criminal cases as may be entrusted to them in (various) High Courts (except High Courts of Delhi, Mumbai, Calcutta and Channai) w.e.f. 1.10.1999.

I. SCOPE OF THE SCHEME

1. The Scheme will be applicable for engagement of Senior Counsel in Civil litigation cases and criminal cases on behalf of the Government of India as may be entrusted to the Counsel in (various) High Courts in India (except the High Courts of Delhi, Mumbai, Calcutta, Channai and Karnataka).

2. Engagement: On receipt of a written request from the concerned Administrative Ministry for the engagement of a Senior Counsel, the Department of Legal Affairs will authorize the concerned Ministry/Department to engage a Senior Counsel from the panel.

II. DEFINITIONS

1. For the purpose of this Scheme, the expressions:

(a) 'Counsel' will mean and include the Senior Counsel;
(b) 'Government of India' means and includes the Government of India and also the Government of a Union Territory.
(c) 'Law Officer' means and includes the Attorney General for India, the Solicitor-General of India and Additional Solicitors-General of India.

III. PANEL OF COUNSEL

Panel of Senior Counsel: There will be a panel of Senior Counsel to conduct cases on behalf of Government of India before various High Courts.

IV. TERM OF EMPANELMENT
1. **Empanelment:** The term of empanelment of a Counsel would be for a period of three years or until further orders whichever is earlier.

2. **Termination of empanelment:** The empanelment of the Counsel would be terminable at any time without assigning any reason.

V. **HEADQUARTERS OF THE COUNSEL**

**Headquarters:** The Counsel may locate his Headquarters during the period of his empanelment at the place of the usual sitting of the High Court or its Bench.

VI. **DUTIES**

The Counsel shall:

(i) appear in High Courts in the cases entrusted to him;

(ii) appear in the District and Subordinate Courts, Tribunals, Commissions of Inquiry, before the Arbitrators/Umpires etc. at the Headquarters/outside the Headquarters if so required by the Government of India.

(iii) Render all assistance to the Law Officers, Advocate General of the State Government, Special Counsel, who may be engaged in a specific case before the High Court, Tribunals, Commissions of Inquiry, before the Arbitrators/Umpires etc., if required to do so;

(iv) perform such other duties of a legal nature which may be assigned to him by the Department of Legal Affairs, Ministry of Law, Justice and Company Affairs from time to time.

VII. **RETAINER AND OTHER PERQUISITES**

The Counsel will not be entitled to the payment of a monthly retainer or to any other perquisites.

VIII. **FEE PAYABLE TO THE COUNSEL**

The fees payable to the Counsel in the High Court would be as follows:

(i) Suits, writ petitions and appeals including applications for leave to appeal to Supreme Court in Writ Petitions Rs.3000/- per case per day of effective hearing. In case of non-effective hearing Rs.500/- per day subject to a maximum of five hearings.
(ii) Applications for leave to appeal to the Supreme Court other than in Writ Petitions Rs.1100/- per case.

(iii) Settling pleadings Rs.900/- per case

(iv) Miscellaneous applications Rs.900/- per case

(v) Conference Rs.300/- per conference

subject to:

(a) for settling pleading - one conference
(b) in respect of hearing of Writ matters, suits appeals and Supreme Court Leave Applications etc. - three Conferences (maximum)

IX. **CLERKAGE**

The Counsel will not be entitled to the payment of clerkage on the fees payable to him.

X. **OUT OF HEADQUARTERS**

1. If the Counsel is required to go out of Headquarters in connection with Central Government litigation e.g. for conference with a Law Officer, Advocate General of the State Government or with a Special Counsel, appearance in a Court outside the Headquarters, he will be entitled to a daily fee to be decided by the Department of Legal Affairs on the basis of per day of appearance for the days of his absence from the headquarters including the days of departure from, intervening holidays and arrival back at the headquarters, but no fee will be paid for the day of departure if he leaves the headquarters after court hours or for the day of arrival if he arrives at the headquarters before the Court hours.

2. **Travel/Hotel expenses:** In addition to the daily fee, the Counsel will also be entitled to travel expenses for travel by air (economy class) or first class by train, road mileage for the journey from his Headquarters to the airport/railway station and vice-versa and from the airport/railway station to the place of his stay out of Headquarters and vice-versa at the rates admissible to Grade I/Class I Officers of the Central Government. He will also be paid a lump sum amount of Rs.300/- as conveyance charges for performing local journey while outside the Headquarters. He will also be entitled to a reasonable actual expenses for stay in Hotel, subject to a maximum of Rs.600/- per day.
XI. **RIGHT TO PRIVATE PRACTICE AND RESTRICTIONS**

A Counsel will have the right to private practice which should not, however, interfere with the efficient discharge of his duties as a Counsel for the Government of India.

2. A Counsel shall not advise any party in or accept any case against the Government of India in which he has appeared.

XII. **GENERAL**

The various terms used in this Scheme will have the following meaning:

(a) **Effective Hearing:** A hearing in which either 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 judgement is delivered by the court, it would not constitute an effective hearing but will be termed as non-effective hearing.

(b) **Uncontested Cases:** All suits and appeals are deemed to be ‘uncontested’, if these are withdrawn by the plaintiff/appellant or are dismissed in limine or are otherwise decided by the Court ex-parte before the final hearing. No Writ Petition/Revision Petition/Second Appeal (including any interlocutory application connected therewith) will be considered as ‘uncontested’ if it is decided by the Court on preliminary legal objections or is withdrawn by the petitioner/appellant at or during any stage of the final hearing in the presence of the Government or is withdrawn by the Government at the time of its admission.

(c) **Identical 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, addresses of the parties concerned amount of money involved etc. where the common or identical judgements are delivered irrespective of the fact whether all the cases are heard together or not.

2. In all cases, effective appearance is necessary for the Counsel to claim fee.

3. 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 Government of India are to be watched pending instructions, cases regarding transmission of record to the Supreme Court, inspection of the Court record for ascertaining the position of the case or other information needed.

4. No fee will be admissible for preparation but the Government may consider payment of a separate fee for preparation in special cases involving arduous work.
5. If the counsel appears at the instance of the Union of India for parties other than the Union of India whose case is not inconsistent with that of the Union of India, he will be entitled to only one set of fee.

6. Appeals, revision or petitions arising from one common judgement or order will be together considered as one case, if they are heard together.

7. When cases argued before a Single Judge are referred to a Division Bench or to a Full Bench separate fee at the prescribed rates will be paid for appearance before each Bench.

8. In 'uncontested cases' the fee shall be one-third of the fees otherwise payable but if such a case is later on restored and decided in contest, the remaining two-thirds of the fee will be payable. A case shall be regarded as contested when a decision is given after hearing arguments on both sides.

9. No fee will be payable to the counsel if an advance notice about the adjournment has been issued or the adjournment of the case has been made at his request due to reasons personal to him.

10. Where two or more cases (but not more than 10 cases) involving substantially identical questions of law or facts, any one of such cases will be treated as a main case and the others as connected cases and the fees in such cases will be regulated as under, irrespective of the fact whether all the cases are heard together or not:

   (a) When the argument is heard in the main case and the other cases are decided accordingly, the Counsel shall be paid the full fee in the main case and Rs.90/- in each of the connected cases, but subject to a maximum of 10 cases only.

11. The fee to the Counsel will be paid by the concerned Department/Ministry on presentation of a stamped receipt, and on submission of a copy of the document settled, if it is a settling fee and submission of minutes or gist of proceedings, or a copy of order/judgement wherever necessary, in case the claim is for appearance fee. The Counsel shall submit his fee bill within three months from the date on which the fee has accrued.

12. In the event of any doubt or difference regarding the fees, the fees determined by the Department of Legal Affairs, Ministry of Law, Justice and Company Affairs, shall be final and binding

(Krishna Kumar)
Joint Secretary & Legal Adviser to the Government of India
No.F.26(1)/99-Judl.
GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
(Department of Legal Affairs)

New Delhi, the 23rd September 2008

NOTIFICATION

G.S.R.--------(E) - In exercise of the powers conferred by the proviso to article 309 read with article 76 of the Constitution, the President hereby makes the following rules further to amend the Law Officers (Conditions of Service) Rules, 1987, namely:

1. (1) These rules may be called the Law Officers (Conditions of Service) Amendment Rules, 2008
(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Law Officers (Conditions of Service) Rules, 1987, in rule 7, in clause (b) after serial number (vii), the following shall be inserted, namely:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(vii)</td>
<td>Appearance fee, in courts within their jurisdiction, apart from their headquarters, for Additional Solicitor General of Allahabad, Bangalore, Chennai, Kolkata and Mumbai</td>
<td>Rs.25,000/- per case per day</td>
</tr>
</tbody>
</table>

[F. No. 18(1)/98-Judl]

(M.A. Khan Yusufi)
Joint Secretary and Legal Adviser to the Govt. of India
Note: The principal rules were published in the Gazette of India, Extra Ordinary Part II, Section 3, Sub-Section (i), dated the 1st day of January, 1987 vide notification NO. GSR 1(E) dated the 1st January, 1987 and have been subsequently amended vide the following notification namely:

i. GSR No. 379(E) dated the 14th April, 1987
ii. G.S.R. 473 (E) dated 22nd June 1993
iii. G.S.R. 403 (E) dated 2nd June 1999
iv. G.S.R. 345 (E) dated 10th May 2001
v. G.S.R. 106 (E) dated 25th February, 2005
vi. G.S.R. 723 (E) dated 16th December, 2005 and
vii. GSR...(E) dated 18th July, 2008

The Manager,
Govt. of India Press,
Mayapuri, Ring Road,
New Delhi.

Copy forwarded to:

i. Shri Milon Kumar Banerji, Attorney General for India, F-19, Maharani Bagh, New Delhi.
ii. Shri Goolam E. Vahanwati, Solicitor General of India, 28, Canning Lane, Kasturba Gandhi Marg, New Delhi.
iii. All Additional Solicitors General of India.
iv. PS to ML&J/PS to MSL&J/PS to Law Secretary/PS to Legislative Secretary.
v. All Ministries/Departments to the Govt. of India.
vi. All Officers and Sections in the Deptt. of Legal Affairs.
vii. Central Agency Section, Litigation (High Court/Lower Court) Sections with 5 x/copies
viii. Branch Secretariats Mumbai/Kolkata/Chennai/Bangalore.
ix. Guard file/Judicial Section with 5 x/copies.

(M.A. Khan Yusufi)
Joint Secretary & Legal Adviser to the Govt. of India
[F. No. 18(1)/98-Jud1]
OFFICE MEMORANDUM

Sub: Revision of fee payable to Standing Government Counsel and Additional Standing Government Counsel in the District and Subordinate Courts.

In partial modification to this Department's OM no. 27(11)/1999-Judl. Dated 24.09.1999, the undersigned is directed to convey the approval of the Competent Authority for revision of fee structures, applicable to Standing Government Counsel and Additional Standing Government Counsel in the District and Subordinate Courts with immediate effect as per following rates:

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Item of work</th>
<th>Revised fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Retainer fee for Standing Govt. Counsel</td>
<td>Rs. 4000 per month</td>
</tr>
<tr>
<td>2.</td>
<td>Fee for effective hearing</td>
<td>Rs. 1200 per day</td>
</tr>
<tr>
<td>3.</td>
<td>Fee for non-effective hearing</td>
<td>Rs. 400 per day (not more than 5 such hearings in a case)</td>
</tr>
<tr>
<td>4.</td>
<td>Fee for drafting Written Statement, Grounds of Appeal etc.</td>
<td>Rs. 1,000 per pleading</td>
</tr>
<tr>
<td>5.</td>
<td>Fee for drafting other pleadings of misc. nature</td>
<td>Rs. 400 per pleading</td>
</tr>
<tr>
<td>6.</td>
<td>Fee per Conference</td>
<td>Rs. 600 (subject to maximum of 5 such conferences in a case / group of identical cases)</td>
</tr>
<tr>
<td>7.</td>
<td>Daily fee for out of Headquarters</td>
<td>Rs. 1,800 per day</td>
</tr>
<tr>
<td>8.</td>
<td>Conveyance charges for local journey outside Headquarter</td>
<td>Rs. 600 (lump sum)</td>
</tr>
<tr>
<td>9.</td>
<td>Expenses for stay in hotels</td>
<td>Rs. 1,200 per day</td>
</tr>
<tr>
<td>10.</td>
<td>Clerkage</td>
<td>@ 10% of total fee excluding miscellaneous and out of pocket expenses (maximum Rs. 3500 in a case)</td>
</tr>
<tr>
<td>11.</td>
<td>Fee for identical cases</td>
<td>Full fee in the 1st case and Rs. 500 in per suit for connected cases (max. 3 cases)</td>
</tr>
<tr>
<td>12.</td>
<td>Miscellaneous and out of pocket expenses</td>
<td>As per actual to the satisfaction of the administrative Department.</td>
</tr>
</tbody>
</table>

Contd...
2. All other terms and conditions of engagement of Standing Government Counsel and Additional Standing Government Counsel in the District and Subordinate Courts in the pre-revised OM no. 27(11)/1999-Judl. Dated 24.09.1999 shall continue to remain applicable unless specifically revoked/revised.

3. The revision of fee structures are issued with the approval of the Ministry of Finance, Department of Expenditure’s ID No. 9(11)/99-E.II dated 18th July, 2011.

(M.A.Khan Yusufi)
Joint Secretary and Legal Adviser
Ph:23385383

Copy to:

1. All Ministries/Departments to the Government of India.
2. All Standing Government Counsel and Additional Standing Government Counsel before various District and Subordinate Courts as per the list.
3. Department of Expenditure, Ministry of Finance, New Delhi w.r.t. their ID Note No. 9(11)/99-E.II dated 18th July, 2011.
4. Incharge, Branch Secretariats Mumbai/Kolkata/Chennai/Bangalore.
5. Incharge, Central Agency Section, Litigation (HC) Section, Litigation Lower Courts Section
6. Cash LA Section for necessary action w.r.t. enhanced retainer fee.
7. All Sections of Department of Legal Affairs.
8. Pay and Accounts Officer, Deptt of Legal Affairs, New Delhi.
9. NIC Cell with the request to upload the same in the website of this Deptt.
10. O.L. Section for Hindi Translation.

(Kishore Kumar)
Section Officer
OFFICE MEMORANDUM

Sub: Revision of fee payable to Senior Panel Counsels in various High Courts/ CAT Benches (excluding the High Courts of Bombay and Calcutta)

In partial modification to this Department's OM No. 24(2)/99-Judl., OM No. 26(1)/99-Judl., OM No. 25(3)/99-Judl. and OM No. 26(2)/99-Judl., all dated 24.09.99, the undersigned is directed to convey the approval of the Competent Authority for revision of the fee structures applicable to Senior Panel Counsel in various High Courts and of the CAT Benches with immediate effect as per the following rates of fees:

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Item of work</th>
<th>Revised fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Suits, Writ Petitions and Appeals, including oral Applications for Leave to Appeal to Supreme Court in Writ Petitions.</td>
<td>Rs. 6000/- per case per day of effective hearing. In case of non-effective hearing Rs. 1000/- per day subject to a maximum of 5 hearing.</td>
</tr>
<tr>
<td>2.</td>
<td>Application for Leave to Appeal to Supreme Court in Writ Petitions.</td>
<td>Rs. 2000/- per case.</td>
</tr>
<tr>
<td>3.</td>
<td>Settling pleadings</td>
<td>Rs. 2000 per /- case</td>
</tr>
<tr>
<td>4.</td>
<td>Miscellaneous Applications</td>
<td>Rs. 2000/- per case</td>
</tr>
<tr>
<td>5.</td>
<td>Conference</td>
<td>Rs. 600/- per conference subject to:-(i) for settling pleadings- one conference. (ii) In respect of hearing of writ matters, suits, appeals and Supreme court leave applications etc.- Three conference (Maximum).</td>
</tr>
<tr>
<td>6.</td>
<td>Miscellaneous and out of pocket expenses</td>
<td>As per actual to the satisfaction of the administrative Ministry/Department.</td>
</tr>
</tbody>
</table>

Contd...
2. **Assistant Solicitors General** of various High Courts, **Central Government Standing Counsels (CGSC)** of Delhi High Court and **Senior Central Government Standing Counsels (Sr.CGSC)** of various Benches of CATs have been upgraded to **Senior Panel Counsel** with immediate effect with enhanced **Retainer Fee @ of Rs.6,000/- per month**.

3. All other terms and conditions applicable to above categories of counsel in the pre-revised OMs No. 24(2)/99-Judl., OM No. 26(1)/99-Judl., OM No. 25(3)/99-Judl. and OM No. 26(2)/99-Judl., all dated 24.09.99, continue to remain applicable unless specifically revoked/revised.

4. This issues with the approval of the Ministry of Finance, Department of Expenditure's ID No. 9(11)/99-E.II dated 18th July, 2011.

(M.A.Khan Yusufi)
Joint Secretary and Legal Adviser
Ph:23385383

Copy to:

1. All Ministries/Departments to the Government of India.
2. All Senior Panel Counsel of High Courts/CATs through concerned Assistant Solicitors General in High Courts/Sr. CGSC of CATs Benches
3. All Assistant Solicitors General in various High Courts/Sr. CGSC in CATs Benches.
4. Incharge, Branch Secretariats Mumbai/Kolkata/Chennai/Bangalore.
5. Incharge, Central Agency Section, Litigation (HC) Section, Litigation Lower Courts Section
6. Department of Expenditure, Ministry of Finance, New Delhi w.r.t. their ID Note No. 9(11)/99-E.II dated 18th July, 2011.
7. Cash LA Section for necessary action w.r.t. enhanced retainer fee.
8. All Sections of Department of Legal Affairs.
9. Pay and Accounts Officer, Deptt of Legal Affairs, New Delhi.
10. NIC Cell with the request to upload the same in the website of this Deptt.
11. O.L. Section for Hindi Translation.

(Kishore Kumar)
Section Officer
**OFFICE MEMORANDUM**

Sub: Revision of fee payable to Group ‘A’, ‘B’ and ‘C’ Panel Counsel in Supreme Court.

In partial modification to this Department’s OM no. 21(04)/1999-Judl. Dated 24.09.1999, the undersigned is directed to convey the approval of the Competent Authority for revision of the fee structure applicable to Group ‘A’, ‘B’ and ‘C’ Panel Counsel in Supreme Court with immediate effect as per the following rates:

<table>
<thead>
<tr>
<th>Sl.No</th>
<th>Item of work</th>
<th>Revised Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>All Regular Appeals and defended Writ Petitions (for final hearing)</td>
<td>Rs. 9000/- per case per day</td>
</tr>
<tr>
<td>2.</td>
<td>All defended Admission matters (SLP/TP and writ petitions &amp; other misc.</td>
<td>Rs. 6000/- per case per day</td>
</tr>
<tr>
<td></td>
<td>matters for admission)</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Setting of pleadings</td>
<td>Rs. 3500/- per case per day</td>
</tr>
<tr>
<td>4.</td>
<td>Appearance in Miscellaneous Applications</td>
<td>Rs. 3000/- per case per day</td>
</tr>
<tr>
<td>5.</td>
<td>Conference</td>
<td>Rs. 600/- per conference</td>
</tr>
<tr>
<td>6.</td>
<td>Out of Head quarter</td>
<td>Rs. 9000/- daily fee for the days of his absence from HQ.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rs. 6000/- daily fee for the days of his absence from HQ.</td>
</tr>
<tr>
<td>7.</td>
<td>Conveyance charges for performing local journey while outside Headquarter.</td>
<td>Rs. 1000/-</td>
</tr>
<tr>
<td>8.</td>
<td>Clerkage</td>
<td>NIL</td>
</tr>
<tr>
<td>9.</td>
<td>Drafting SLP/Counter Affidavit/ Rejoinder etc.</td>
<td>--</td>
</tr>
<tr>
<td>10.</td>
<td>Drawing Written Submission</td>
<td>--</td>
</tr>
<tr>
<td>11.</td>
<td>Drafting or Appearance in Miscellaneous Applications (including mentioning</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td>of the case/Caveat/Clearance /obtaining the number and taking date for</td>
<td></td>
</tr>
<tr>
<td></td>
<td>hearing)</td>
<td></td>
</tr>
</tbody>
</table>

Contd…
2. All other terms and applicable to Group ‘A’, ‘B’ and ‘C’ Panel Counsel in Supreme Court in the pre-revised 21(04)/1999-Judl. Dated 24.09.1999 shall continue to remain applicable unless specifically revoked/revised.

3. This issues with the approval of the Ministry of Finance, Department of Expenditure’s ID No. 9(11)/99-E.II dated 18th July, 2011.

(M.A.Khan Yusufi)
Joint Secretary and Legal Adviser
Ph: 2338 5383

Copy to:

1. All Ministries/Departments to the Government of India.
2. All Group-A,B & C panel counsel of Supreme Court through Incharge, Central Agency Section.
3. Central Agency Section, Litigation (HC/LC) Sections, Cash/Admin.II (LA)/B&A, Advice A/B/C Section (5 s/copies)
4. Pay and Accounts Officer, Deptt of Legal Affairs, New Delhi.
5. Department of Expenditure, Ministry of Finance, New Delhi w.r.t. their ID Note No. 9(11)/99-E.II dated 18th July, 2011
6. NIC Cell with the request to upload the same in the website of this Deptt.
7. O.L. Section for Hindi Translation.

(Kishore Kumar)
Section Officer
OFFICE MEMORANDUM

Sub: Revision of fee payable to various categories of Central Government counsel.

In partial modification to this Department’s various OM’s issued from time to time, the undersigned is directed to convey approval of Competent Authority for the revision of the fee structure applicable to Government counsels of all the categories with immediate effect as per the details given below:

(A)

The Fee structure applicable to Group ‘A’ ‘B’ and ‘C’ panel Counsel in Supreme Court

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Item of work</th>
<th>Revised fee Group ‘A’ Panel Counsel</th>
<th>Revised fee Group ‘B’ &amp; ‘C’ Panel Counsel</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>All Regular Appeals and defended Writ Petitions (for final hearing)</td>
<td>₹ 13,500/- per case per day</td>
<td>₹ 9,000/- per case per day</td>
</tr>
<tr>
<td>2</td>
<td>All defended Admission matters (SLP/TP and writ petitions &amp; other misc. matters for admission)</td>
<td>₹ 9,000/- per case per day</td>
<td>₹ 4,500/- per case per day</td>
</tr>
<tr>
<td>3</td>
<td>Settling of pleadings</td>
<td>₹ 5,250/- per case</td>
<td>---</td>
</tr>
<tr>
<td>4</td>
<td>Appearance in Miscellaneous Applications</td>
<td>₹ 4,500/- per case</td>
<td>---</td>
</tr>
<tr>
<td>5</td>
<td>Conference</td>
<td>₹ 900/- per conference</td>
<td>---</td>
</tr>
<tr>
<td>6</td>
<td>Out of Head quarter</td>
<td>₹ 13,500/- daily fee for the days of his absence from HQ</td>
<td>₹ 9,000/- daily fee for the days of his absence from HQ</td>
</tr>
<tr>
<td>7</td>
<td>Conveyance charges for performing local journey while outside Headquarter.</td>
<td>₹ 1,500/-</td>
<td>₹ 1,500/-</td>
</tr>
<tr>
<td>8</td>
<td>Clerkage</td>
<td>NIL</td>
<td>NIL</td>
</tr>
<tr>
<td>9</td>
<td>Drafting SLP/Counter Affidavit/Rejoinder etc</td>
<td>---</td>
<td>₹ 3,000/- per case</td>
</tr>
<tr>
<td>10</td>
<td>Drawing Written Submission</td>
<td>---</td>
<td>₹ 3,000/- per case</td>
</tr>
</tbody>
</table>
Drafting or Appearance in Miscellaneous

Applications (including mentioning of the case/Caveat/Clearance/obtaining the number and taking date for hearing)...

₹ 3,000/- per case

All other terms and conditions applicable to Group A, B and C Panel Counsel in Supreme Court in the pre-revised OM No. 21(04)/1999-Judl. dated 24.09.1999 read with OM No. 21(05)/2011-Judl. dated 01.10.2011 shall continue to remain applicable unless specifically revoked/revised

The Fee structure applicable to Assistant Solicitors General of various High Courts, Central Government Standing Counsel of Delhi High Court (CGSC), Senior Central Government Standing Counsel (Sr. CGSC) of various Benches of CAT and Senior Panel Counsels in various High Courts/ CAT Benches (excluding the High Courts of Bombay and Calcutta) as per the following rates:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Item of work</th>
<th>Revised fee</th>
</tr>
</thead>
</table>
| 1      | Retainer Fee of:-

Assistant Solicitor General of various High Courts, Central Government Standing Counsel of Delhi High Court (CGSC) and, Senior Central Government Standing Counsel (Sr. CGSC) of various Benches of CAT. |

₹ 9000/- per month.

2. Suits, Writ Petitions and Appeals, including oral Applications for Leave to Appeal to Supreme Court in Writ Petitions.

₹ 9000/- per case per day of effective hearing in case of non-effective hearing ₹ 1500/- per day subject to a maximum of 5 hearing.

3. Application for Leave to Appeal to Supreme Court in Writ Petitions.

₹ 3000/- per case

4. Setting pleadings

₹ 3000/- per case

5. Miscellaneous Application

₹ 3000/- per case

6. Conference

₹ 900/- per conference subject to:

(i) for setting pleadings- one conference.
(ii) in respect of hearing of Writ matters, Suits, appeals and Supreme courts leave applications etc. Three conference (Maximum)

7. Miscellaneous and out of pocket expenses

As per actual to the satisfaction of the administrative Ministry/ Department.
Revision of the fee structure applicable to the Panel Counsel of High Courts as well as of CAT Benches of Bombay and Kolkata:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Item of Work</th>
<th>Special Counsel</th>
<th>Senior Counsel Group I</th>
<th>Senior Counsel Group II</th>
<th>Jr. Counsel Advocate on record</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Suits, Appeals, Writ/Revision Petitions including Special Civil Application in the High Court. Per conference/Consultation</td>
<td>₹ 9000</td>
<td>₹ 6000</td>
<td>₹ 3750</td>
<td>₹ 1800</td>
</tr>
<tr>
<td>2.</td>
<td>Application including Interim Motions, Notices, Appeals, Leave Application, Arbitration, Company Matters, Criminal Revision and other Land Acquisition References (per day per effective hearing) Per conference/Consultation</td>
<td>₹ 3000</td>
<td>₹ 3000</td>
<td>₹ 2250</td>
<td>₹ 1350</td>
</tr>
<tr>
<td>3.</td>
<td>Drafting or Settling Pleadings, and Affidavits (per pleadings) Per conference/Consultation</td>
<td>₹ 900</td>
<td>₹ 750</td>
<td>₹ 600</td>
<td>₹ 1050</td>
</tr>
<tr>
<td>4.</td>
<td>Appearance before Arbitration and Tribunals, etc and Courts other than High Courts (Per day per effective hearing) Per conference/Consultation</td>
<td>₹ 7500</td>
<td>₹ 6000</td>
<td>₹ 3750</td>
<td>₹ 2250</td>
</tr>
<tr>
<td>5.</td>
<td>Chamber Application, including Adjournment Application per day inclusive of consultation</td>
<td>NIL</td>
<td>₹ 1500</td>
<td>₹ 900</td>
<td>₹ 600</td>
</tr>
<tr>
<td>6.</td>
<td>Written opinions and written advice including advice on evidence (inclusive of consultation)</td>
<td>₹ 3750</td>
<td>₹ 2250</td>
<td>₹ 1350</td>
<td>₹ 1050</td>
</tr>
</tbody>
</table>

All other terms and conditions applicable to the Counsels of High Courts as well as of the CAT Benches of Bombay and Kolkata in the pre-revised OM No. 23(2)/2001-Judl. & OM No. 22(02)/2001 dated 14th July, 2001 read with 23(2)/2011-Judl. dated 1st October, 2011 shall continue to remain applicable unless specifically revoked/revised.

Note: There will be no ceiling on the number of conference/consultation in the case of Special Counsel, however in the case of other categories of Counsels, the number of conferences per cases will be limited to four (relaxable to six at the discretion of the in-charge (Litigation) of Branch Secretariat, Mumbai/Kolkata.
The Fee structure applicable for Panel Counsel, Delhi High Court and Central Govt. Counsel; Pleader of various High Courts (including Panel Counsel of various CAT Benches) excluding the High Courts of Bombay and Calcutta, as per the following rates:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Item of Work</th>
<th>Revised fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Civil or Criminal Writ Petitions under Article 326 &amp; 227 of the Constitution, Contempt Petitions, Criminal/Civil Revision Petitions, Reference to the High Court under Sales Tax Act and Banking Company Petitions.</td>
<td>₹2250/- per effective hearing ₹450/- per non-effective hearing (subject to maximum of five hearings in a case)</td>
</tr>
<tr>
<td>2</td>
<td>Original Suits, Civil Appeal from Decrees in suits and proceedings including second appeal and land acquisition appeal except LPA from Petitions under Article 226 &amp; 227 of the Constitution (including drafting fee)</td>
<td>Ad. Valoram/regulation fee (subject to maximum of ₹45,000/- in a case.)</td>
</tr>
<tr>
<td>3</td>
<td>Company Petitions</td>
<td>To be regulated by the rule contained in Appendix (iii) of the Company (Court) Rules, 1959</td>
</tr>
<tr>
<td>4</td>
<td>Drafting of pleadings counter affidavits/returns/answer to Writ Petitions/Grounds of Appeal and application for leave to appeal to the Supreme Court</td>
<td>₹1,350/- per pleading</td>
</tr>
<tr>
<td>5</td>
<td>Drafting of Civil Misc. applications to petitions under the Indian Succession Act, Contempt of Court proceedings and other proceedings of an original nature</td>
<td>₹1,125/- per petition</td>
</tr>
<tr>
<td>6</td>
<td>Civil Misc. petitions, forma paupers, transfer petitions and other civil misc. petitions of routine nature</td>
<td>₹450/- per petition</td>
</tr>
<tr>
<td>7</td>
<td>Consultation /conference fee</td>
<td>₹450/- per conference (subject to maximum of 4 conferences in a case)</td>
</tr>
</tbody>
</table>
All other terms and condition applicable to above mentioned Counsels in to this Department's, in OM No. 24(2)/39-Judl., OM No. 26(1)/99-Judl., OM No. 25(3)/99-Judl. and OM No. 26(2)/99-Judl. all dated 24.09.99 read with OM No. 26(1)/2005-Judl. dated 31.01.2008 and shall continue to remain applicable unless specifically revoked/revised.

(E)

The Fee structure Standing Govt. Counsel and Additional Standing Govt.
Counsel in the District and Subordinate Courts:

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Item of work</th>
<th>Revised fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Retainer fee for Standing Govt. Counsel</td>
<td>₹ 6000 per month</td>
</tr>
<tr>
<td>2</td>
<td>Fee for effective hearing</td>
<td>₹ 1800 per day</td>
</tr>
<tr>
<td>3</td>
<td>Fee for non-effective hearing</td>
<td>₹ 600 per day (not more than 5 such hearings in case)</td>
</tr>
<tr>
<td>4</td>
<td>Fee for drafting Written Statement, Grounds of Appeal etc.</td>
<td>₹ 1500 per pleading</td>
</tr>
<tr>
<td>5</td>
<td>Fee for drafting other pleadings of misc. nature</td>
<td>₹ 600 per pleading</td>
</tr>
<tr>
<td>6</td>
<td>Fee per Conference</td>
<td>₹ 900 (subject to maximum of 5 such conferences in a case / group of identical cases)</td>
</tr>
<tr>
<td>7</td>
<td>Daily fee for out of Headquarters</td>
<td>₹ 2700 per day</td>
</tr>
<tr>
<td>8</td>
<td>Conveyance charge for local journey outside Headquarters</td>
<td>₹ 900 (lump sum)</td>
</tr>
<tr>
<td>9</td>
<td>Expenses for stay in hotels</td>
<td>₹ 1800 per day</td>
</tr>
<tr>
<td>10</td>
<td>Clerkage</td>
<td>@ 10% of total fee excluding miscellaneous and out of pocket expenses (maximum ₹ 5250 in a case)</td>
</tr>
<tr>
<td>11</td>
<td>Fee for identical Cases</td>
<td>Full fee in the 1st case and ₹ 750 in per suit for connected cases (max. 3 cases)</td>
</tr>
<tr>
<td>12</td>
<td>Miscellaneous and out of pocket expenses</td>
<td>As per actual to the satisfaction of the administrative Department</td>
</tr>
</tbody>
</table>

All other terms and conditions applicable to above mentioned Counsels in to this Department's, OM No. 27(11)/1999-Judl dated 24.09.1999 read with OM No. 27(25)/2011-Judl dated 01.09.2011. shall continue to remain applicable unless specifically revoked/revised.
The Fee structure applicable to Senior/Junior Arbitration Panel Counsel:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Details of work</th>
<th>Proposed Revised fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Fee for effective hearing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Senior Counsel</td>
<td>Rs. 2,250/- per appearance</td>
</tr>
<tr>
<td></td>
<td>Junior Counsel</td>
<td>Rs. 1,500/- per appearance</td>
</tr>
<tr>
<td>2</td>
<td>Fee for non-effective hearing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Senior Counsel</td>
<td>Rs. 450/- per appearance</td>
</tr>
<tr>
<td></td>
<td>Junior Counsel</td>
<td>Rs. 300/- per appearance (maximum four such hearings)</td>
</tr>
<tr>
<td>3</td>
<td>For drafting pleadings</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Senior Counsel</td>
<td>Rs. 1,500/- per pleading</td>
</tr>
<tr>
<td></td>
<td>Junior Counsel</td>
<td>Rs. 750/- per pleading</td>
</tr>
<tr>
<td>4</td>
<td>Conference fee</td>
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<tr>
<td></td>
<td>Senior Counsel</td>
<td>Rs. 450/- per conference</td>
</tr>
<tr>
<td></td>
<td>Junior Counsel</td>
<td>Rs. 300/- per conference (maximum three such conferences in a case)</td>
</tr>
<tr>
<td>5</td>
<td>Daily fee out of Headquarters</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Senior Counsel</td>
<td>Rs. 3,000/- per day</td>
</tr>
<tr>
<td></td>
<td>Junior Counsel</td>
<td>Rs. 2,250/- per day</td>
</tr>
</tbody>
</table>

All other terms and conditions applicable to OM No. 30(3)/99-Judl. dated 24.09.99 read with OM No. 26(1)/2005/Judl. dated 31.01.2008, shall continue to remain applicable unless specifically revoked/revised.