

HIMACHAL PRADESH STATE AGRICULTURAL MARKETING BOARD
VIPNAN BHAWAN, KHALINI, SHIMLA-171002.

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E mail: hpmarketingboard@yahoo.co.in, Web: www.hpsamb.org

No. HMB-LC (Counsel) /2013-Vol-III

Date: Shimla-2, the ~~22nd~~²⁶ March, 2024

To

1. Sh. Virender Singh Rathour Advocate.
HP High Court, Chamber No. 242, Shimla, 171001
(e-mail: rathourvirender29@gamil.com, 94184-92220, 82199-98778)
2. Ms. Kiran Lata Sharma Advocate.
HP High Court, Chamber No. 311, Shimla, 171001
(e-mail: latakiran383@gamil.com, 98171-38286, 95185-59495)

Sub: Appointment of Advocates to represent the Board before the Hon'ble High Court of H.P.

Sir/Madam,

Please refer to the Government of Himachal Pradesh Law Department's Notification No. LLR-E(9)-3/2022 dated 26th June, 2023 for your appointment as standing Counsels to represent the courts cases of the Board in the Hon'ble High Court of H.P. and your subsequent joining on 5th July, 2023. The Government has approved the terms and conditions, placed as Appendix-1, of your appointment as such vide Department of Agriculture/AD's letter No. AGR-BOE/2/2023-Agr-B dated 18th Aug., 2023 and even file subsequent letter dated 1st March, 2024 reiterating previous approval. Also, refer to your letter dated nil diarized vide no. 1892 and 1893 dated 26th Feb., 2024 to allow retainership per month as granted in other Boards/ Corporations. Same is under consideration and is being taken up with the Government separately. You are therefore, requested to acknowledge your appointment as Standing Counsels of the Board as per the terms and conditions mentioned at Appendix-1 please.

Encls. As above

Sincerely;

(Hemis Negi, HPAS)
Managing Director.

Endst. No. As above 6636

Date: Shimla-2, the ~~22nd~~²⁶ March, 2024

Copy forwarded to followings for information please. -

1. The Secretary (Agriculture) to the Government of Himachal Pradesh, Shimla-171002 w.r.t. above.
2. The Registrar General, H.P. High Court, Shimla-171002.
3. All Secretaries of APMCs in H.P.
4. Senior Law Officer, HPSAMB
5. Asstt. Controller, (RAS) HPSAMB
6. Establishment, HPSAMB
7. Official Website of HPSAMB (www.hpsamb.org)
8. Guard file.

(Hemis Negi, HPAS)
Managing Director.

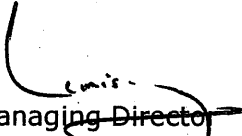
"Appendix -1"
Terms and Conditions

Particulars	Rate of fee and charges	Remarks
1. Fee for contesting/defending cases instituted against the Board before the High Court of H.P.	Rs. 7500/-per case & for bunch of similar cases @ Rs. 12,000/-in lump sum. 50% payment shall be released at the time of filing reply/instituting case subject to furnishing fee bill alongwith some documentary proof for audit purpose.	Fee/charges shall be payable only after receipt of legal fee bill and subject to verification of bills from the APMC or Board by the In-Charge of the Legal Branch- HPSAMB.
2. Drafting reply, written statement, rejoinders, affidavits, applications etc., if any.	Rs. 1500/-per case & bunch of similar cases @ Rs. 4,000/-in lump sum. Full re-imbusement subject to furnishing bill.	As above.
3. Clerkage @ 10% will be payable only at the time of final bill disbursement after disposal of case/cases		
4. Typing cost of documents, expenses on account of purchase of stamp papers, non-judicial papers, court fee, process fee, attestation charges of affidavit etc., fee paid for obtaining copies of court orders/judgment/documents/Statement etc, costs, if any, photocopies of documents, regd. A.D. for notices and other miscellaneous charges will be reimbursable subject to verification in the manner as above only if same are not met or arranged by the office/Legal Cell of the Board.		
Other terms & conditions		
5. The engagement shall be on co-terminus basis and also subject to observance of professional ethics and conduct.		
6. Cases shall be allotted forthwith by rational distribution amongst Counsels in general. However, Board/ shall have the right to allot cases of important nature as per performance of the Counsel and standing in the Courts.		
7. The Board/Committees shall reserve right to engage special counsel or Sr. Counsel in important cases or special nature cases even beyond the panel, where ever deems necessary.		
8. The Counsels shall not appear in any case against the Board/APMCs and shall ensure his/her personal presence and possibly to avoid proxy presence on each and every hearing so that Board' interest may not hamper.		
9. Counsels can be assigned cases outside Shimla any other courts/Tribunals/forum and T.A./D.A. etc will be admissible for this purpose in additional to legal expenses and charges as per government rates as admissible to Law Officer.		
10. Whenever any notice/documents/reply/paper book is received by the Advocates as above, on behalf of the Board and acknowledgment of receipt thereto alongwith copy of notice shall duly be communicated to the Board Office through its authorized official/officer.		
11. Counsels shall communicate their office address, phone nos. emails address etc., where they can be contacted accurately. They will also provide Bank details, such as Saving Account no. with IFSC, PAN details so that due payment could be remitted into their account as and when becomes due and payable after proper process.		
12. The counsels shall not make any commitment before or outside Court without consultation of Board/APMCs, as the case may be. They shall be accountable and liable for any professional misconduct and in that event the appointment shall liable to be withdrawn and legal course shall follow.		
13. The counsel shall have to visit respective office of Board/Committee at Shimla at least once in a week to attend legal business. They may be called as and when required by the Authorities for urgent discussion.		
14. The Counsel shall inform the office any instructions/objections from the Court for compliance well in advance with proper suggestions. They also will apply for certified copies of orders/judgment/award immediately after its pronouncement by the Hon'ble Court. they shall tender legal opinion and then communicate in writing the same to the Board/APMCs' office as soon as possible for further course of action accordingly withing reasonable period of limitation. Same will be supported with final bill for further process of disbursement in the manner as above.		
15. In case of any misrepresentation is noticed at any time, the Advocate(s) shall be removed from empanelment and the cases in hand will be withdrawn and Advocate(s) shall be debarred for 5 years from entrustment of any work by the HPSAMB.		

16. HPSAMB reserves the right to allot matters/ cases to the law firms/ advocates from the empaneled list or outside the list, in its sole discretion.
17. Counsels will receive all briefs/ case files from outgoing panel comprised of Advocates said Sh. Naveen K. Bhardwaj, Inderjeet Singh Narwal and Arun Sehgal., HP High Court. Since Advocates in the outgoing panel have been conducting cases and filed replies/rejoinder/WS/affidavits/counter affidavits, filing of documents and afforded expenditure from their own in such cases, which are at matured/final stage of hearing/disposal, they will be paid 50% fee plus expenses and Counsels in the existing panel will be paid remaining 50% counsel fee plus expenses if any, only after final disposal of case(s) in the manner as above.

Validity of Empanelment

18. The empanelment shall at the pleasure of the Government. However, HPSAMB reserves the right to modify duration validly at its sole discretion, without assigning any reasons and Counsels shall not have any claim thereon or for his/her retention.
19. Aforesaid terms and conditions after approval of the Government shall also be ratified by the Board in its BoM meeting in near future. The formal orders along with approved term and conditions will be issued thereafter.


Managing Director
H.P. State Agricultural Marketing Board.
Vipnan Bhawan, Khalini, Shimla-171002