

MAHARASHTRA STATE SECURITY CORPORATION

INVITATION FOR EXPRESSION OF INTEREST FOR EMPANELMENT OF ADVOCATES

Maharashtra State Security Corporation (in short MSSC) is a Statutory Corporation of Govt. of Maharashtra incorporated under MAHARASHTRA ACT No. VI OF 2010, which has come into force on 19th April, 2010. The purpose of incorporation of the corporation is to raise a security force for providing better protection and security to the State Government and Central Government offices, Public Sector Undertakings, Educational, Financial Medical institutions etc. The Corporation hereby desires to empanel Five Advocates (2 for High Courts & 3 for Other Courts such as Sessions Court, Magistrate courts, Labour courts, tribunals etc. and providing legal advice on the matters of preparation of Contract Agreements with clients and employees), who have an experience in handling court matters in High Courts, Sessions Courts, Magisterial Courts, Industrial Courts and Labour Courts for which Expression of Interest is invited.

1. Definitions -

1. 'Advocate' means an advocate, entered in roll of advocates under the provisions of The Advocates Act, 1961. (The Act).
2. 'Competent Authority' shall be the Managing Director, Maharashtra State Security Corporation or any other officer so designated by Managing Director, Maharashtra State Security Corporation.
3. 'Court' shall mean all courts of law including District Courts, any High Court, Supreme Court, Tribunals, Judicial Forums and Arbitrators etc.
4. 'Effective Hearing' shall mean a hearing in which either one or both parties involved in a case are heard by the Courts / arguments were advanced by the Counsel of any of the parties, Examination-in-chief, cross examination is conducted, issues/charges have been framed and statement under section 313 of P.C. is recorded. And in addition to the above, effective hearings are according to the High Court Rules.
5. 'Non-effective Hearing' shall mean all hearings which are not covered in the above definition of effective hearing. If the case is mentioned and adjourned or only directions are given or only judgement is delivered by the court, it would constitute as a Non-Effective Hearing.
6. 'Similar Cases' or 'Identical Cases' shall mean two or more cases in which substantially identical question 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 facts whether all the cases are heard together or not.

2. Email address for submission of Expression of Interest – empanelment.mssc@gmail.com

3. Important Dates -

1. Commencement of submission of Expression of Interests through email : 27/01/2021
2. Last date of submission of Expression of Interests through email : 17/02/2021

(Note – Expression of Interest received after last date of submission will not be considered in any circumstances)

4. Instructions -

Please read the following instructions carefully before mailing the Expression of Interest form:

- a) The candidates applying should ensure that they fulfill all eligibility criteria. Their admission to all the stages of the recruitment process will be purely provisional subject to satisfying the prescribed eligibility criteria mentioned in this advertisement.
- b) No equivalent qualification shall be acceptable for the post.
- c) Applications in the name of firms are not allowed.
- d) Advocates residing within MMRDA area will be preferred.
- e) Pre-requisites are minimum and mere qualification and possession of the same does not entitle the candidate to be called for selection process. Considering the experience, the candidates will be shortlisted for selection process.
- f) The candidates should have adequate Knowledge of “Marathi, Hindi and English”.
- g) If any false/incorrect information furnished by the candidate is detected at any stage of recruitment process, his/her candidature will not be considered.
- h) If the candidate knowingly or willfully furnishes incorrect or false particulars or suppresses material information, he/she will be disqualified and if appointed, shall be liable for dismissal from the Company’s service without any notice or assigning any reasons whatsoever. This may also lead to prosecution.
- i) The decision of the Company in all matters relating to recruitment shall be final and no individual correspondence will be entertained. Applications received after due date will not be entertained.
- j) The selection in MSSC is done strictly as per merit in a systematic way. Canvassing in any form will disqualify a candidate.
- k) The Company reserves the right to cancel the Advertisement fully or partly on any grounds and such decision of the Company will not be notified or intimated to the candidates.
- l) Prescribed Applications (Annexure-I and II duly filled in with attested copies of certificates in support of age & qualifications should be submitted to **The Managing Director, MAHARASHTRA STATE SECURITY CORPORATION** (A Statutory Corporation of Government of Maharashtra), 32nd Floor, Centre 1, World Trade Center, Cuffe Parade, Mumbai, on empanelment.mssc@gmail.com so as to reach **on or before 17/02/2021**. Applications received after due date (for whatsoever reason) shall not be entertained.
- m) Format of Expression of Interest (Annexure-I and II) with detailed terms and conditions is available on <http://mahasecurity.gov.in/Careers.php> All items of the application must be filled in according to instructions given for filling the application form.
- n) Date of birth as per Secondary School Certificate (SSC) and age as on 01/01/2021 should be mentioned.
- o) No TA/DA will be admissible for Applicants for attending the selection process including Personal Interview in Registered Office of MSSC.
- p) MSSC reserves the right to modify/alter/restrict/enlarge/cancel the selection process, if need arises, without any reasons thereof. The decision of the Management will be final and no appeal will be entertained against this issue. **The right to accept/reject any or all application(s) received is reserved with MSSC without assigning any reason thereof.**

- q) **Selected applicant will be appointed as legal advisor in MSSC purely on Case to Case Basis initially for a period of 3 years, which may be extended by 2 years further based on performance evaluation by MSSC.**
- r) The appointment does not give any right to a candidate for regular employment in MSSC.
- s) Selected Candidates services can be terminated by MSSC with **one-month notice**. If candidate wishes to leave the services of MSSC, he / she shall have to **give two months" notice** or remittance of Rs.1 lakh.

5. Scope of work for Empaneled Advocate -

As per requirement of MSSC the empaneled advocate has to undertake various functions from time to time including drafting Original plaints, miscellaneous petitions, affidavits, counter affidavits etc. agreements, opinion/vetting on legal issues, act as leading or Assisting Advocate to Sr. Advocates if any, attending conference / meeting, written submissions, hearing, arguments, sending brief / record of proceedings to MSSC and all documents received in the court, orders and any other legal functions as desired by the MSSC, to represent the MSSC before various courts of law.

6. Strength of empanelment: - 5 Advocates (2- High Court, 3- Other than High Courts).

7. Consolidated Remuneration: - Negotiable (applicants are requested to quote their category wise remuneration in Annexure III).

8. Period of Fixed Tenure: - 3 Years (Extendable to 2 years, subject to the Satisfaction of corporation)

9. Eligibility for Empanelment-

1. Essential Qualification:

- 1) Post Graduate degree in Law from Recognized University
- 2) Having a registration with Bar council of India.

2. Experience:

1. For High Court empanelment, applicant must possess a Minimum 10 years post qualification experience/ practice as a Lawyer in various courts of law, out of 10 years must have 5 years" experience in High Court. (pl. refer definition)
2. For other than High Court empanelment, applicant must possess a Minimum 10 years post qualification experience/ practice as a Lawyer in various courts of law,

3. Necessary expertise in civil matters of the working in a Government, Semi- Government or Corporation.

4. Age limit: Not less than 40 years

10. Documents required to be submitted by Advocate -

Advocate will be required to submit his / her Expression of Interest through Email in the prescribed format as given in Annexure-I and II, & Self attested scanned copies as mentioned below -

1. Certificates in support of educational qualifications.
2. Certificate of Registration with Bar Council with Sanad.
3. Certificate issued by concerned Advocate Bar Association.
4. Year wise details of matters conducted.

5. Photo Identity Card, Address proof (as per KYC Norms).

6. Certificate of GST Registration.

(GST Registration Certificate is not compulsory to provide at the stage of submission of expression of interest. However, if empaneled, advocate will have to obtain GST registration certificate later.)

7. ITR for last 3 years.

Self-attested hard copies with original documents will be required at the time of finalization of Empanelment.

11. Selection Process: -

1. The candidates will be shortlisted for selection process taking into consideration the qualification and experience etc.
2. The selection process will consist of Personal Interview.
3. MSSC reserves the right to fix the standard and specifications for screening and calling the candidates for interview. Call Letters/intimation for Personal Interview to all eligible applicants will be forwarded through e-mail ID mentioned in the Application Form. In case of non-virtual interview, applicants meeting the requirements as specified under Terms and Conditions will have to require to appear for Personal Interview in Registered Office in MSSC else link will be provided for virtual interview.
4. Applicants will be required to produce following, at the time of attending the Personal Interview: -
 - i) Two Passport Size Color Photographs.
 - ii) Proof of Identification, such as Voter ID/ Aadhar Card/Passport/ PAN Card. In case of firm necessary registration / certification is needed.
 - iii) Registration certificate of Bar Council of India.
 - iv) Original Certificates related to Qualifications along with one set of Self Attested Copy.
 - v) Testimonials and documents related to experience etc.
5. Merely fulfilling the eligibility criteria will not confer any right on a candidate to be considered for selection. Depending upon the Expression of Interests received and the requirement, MSSC reserves the right to shortlist the candidates considering the experience and performance.
6. The result of empanelment will be displayed on the website of MSSC i.e. <http://mahasecurity.gov.in/Careers.php>
7. Selected candidates will have to entered into an agreement / bond with MSSC
8. The first appointment of each counsel shall normally be for a period of 3 years extendable for further 2 years.

12. Procedure for Empanelment -

MSSC may consider the following points for empanelment:

- A. Length of practice and specialization.
- B. Track record and integrity.
- C. If considered necessary, an enquiry with the respective Bar Council / Bar Association about the claims and conduct of the Advocate to be empaneled may be made and credentials may also be verified.
- D. Previous experience of working on panel of Government/Semi-Government, results of cases handled.
- E. Proper and adequate infrastructure such as Office Premises, adequate Staff and fax, mobile phone, fix phone, internet connection etc.

F. Annual Income Tax return filed with Tax Authorities.

13. General Terms & Conditions -

- a. An empaneled advocate shall not necessarily be empaneled for any specific court and shall accept the work assigned to him for the courts for which he is basically designated on the basis of minimum eligibility conditions and shall not refuse to accept any work without any reasonable cause. Refusal by any Advocate to accept any work without any reasonable cause (e.g. on grounds of conflict of interest etc.) may entail removal of such Advocate from the panel.
- b. An empaneled advocate will not delegate cases and would himself / herself deal with the same. He / She may have to co-ordinate and work with designated Senior Counsels, if any, engaged in the case as well as with the officers of the MSSC.
- c. An empaneled advocate under these guidelines shall not be employee of MSSC for any purpose and therefore, shall not be eligible for any benefits available to MSSC's employees.
- d. An empaneled advocate shall maintain absolute secrecy and confidentiality about the cases of the MSSC as required under the Act and rules/regulations framed thereunder Advocate Act, 1961.
- e. An advocate shall accept the terms and conditions of the empanelment as determined by the MSSC from time to time. A declaration (Annexure IV) is needed from applicant
- f. An advocate will have the right to private practice which should not, however interfere with the efficient discharge of his duties as an Advocate for the MSSC.
- g. An advocate shall not advise any party in or accept any case against the MSSC in which he / she 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 MSSC.
- h. Empaneled advocate will have to register himself / herself as a vendor of MSSC at his / her own cost for the purpose of payment of their services.
- i. Matters will be allotted to the empaneled advocates as per roster system.
- j. 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 up any case against MSSC.

14. Tenure of Empanelment:

The initial empanelment will be for 3 years or until further orders whichever is earlier. Performance of empaneled Advocates shall be reviewed on annual basis. However, on completion of the term and satisfactory performance of an Advocate, the empanelment may be renewed for a period not more than two years by the MSSC. The empanelment of the Counsel would be terminable on one month's notice in writing by the MSSC and two months' notice by Counsel side without assigning any reason thereof.

15. Conditions for Payment of Professional Fees payable to Advocate and Other Conditions-

1. Category wise mutually agreeable rate on the basis of Annexure III
2. Rates mentioned therein are inclusive of GST as applicable.
4. No retainer fees shall be paid to any panel Advocate merely because such advocate has been empaneled.
5. In case, the Advocate/Counsel appears in the Court on the dates fixed for hearing of a case, but the case adjourned for whatever reasons and there being no effective hearing on that day, then the Advocate shall be entitled to claim 50% of the fees prescribed. However, the same will not be more than 2 occasions in the matter, thereafter no fees

will be paid for further non effective hearings in the matter.

6. Similarly, advocate is entitled for conference not more than two conferences in a matter.
7. No fees will be payable to the Counsel if an advance notice about the adjournment has been issued or the case has been adjourned at his / her request due to the reasons personal to him / her.
8. Soft copies of the orders may be furnished in lieu of the paper copy of the order in such manner as may be **prescribed in support of showing presence on the particular date of effective/non-effective hearing**, a hard copy of the Order / Roznama obtained from web site of the High Court or the concerned court shall be submitted for verification of the bill and necessary approval.
9. While claiming fees, self-attested computerized copies of the said order be submitted for verification and necessary approval. The copies of Order / Roznama shall be submitted with fees bill in given proforma.
10. If any dispute arises in respect of fees to be paid to advocate, the decision of the Managing Director, MSSC shall be final and shall not be questioned in any way.

16. Private Practice and Restrictions -

1. An advocate shall have the right to private practice which should not, however, interfere with or be in conflict with the efficient discharge of his duties as an empaneled Advocate of the MSSC.
2. An advocate shall not advise any party or accept any litigation against MSSC.

17. Disablements -

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

1. Giving false information in the Expression of Interest for empanelment;
2. Handing over the brief or matter to another Advocate without prior written permission of the MSSC;
3. Failing to attend the hearing of the case without any sufficient reason and/or prior intimation;
4. Not acting as per MSSC's instructions or going against specific instructions;
5. Not returning the brief when demanded or not allowing or evading to allow its inspection on demand;
6. Misappropriation of the MSSC's funds or earmarking, using the same towards his fee without MSSC's permission.
7. Threatening, intimidating or abusing any of the MSSC's employees, officers, or representatives;
8. Making any of his associates or juniors to appear on behalf of any of the opposite parties in cases/appeal related to MSSC;
9. Committing an act that tantamount to contempt of court or professional misconduct;
10. As and when debarred by Bar Council;
11. Passing on information relating to MSSC's case on to the opposite parties or their Advocates or any third party which is likely to cause any damage to the MSSC's interests;
12. Giving false or misleading information to the MSSC relating to the proceedings of the case;
13. Seeking frequent adjournments or not objecting the adjournment moved by other party without sufficient reason.

14. If performance of Panel Advocate is found unsatisfactory or an Advocate is found to be guilty of charging or collecting or demanding any remuneration from an aided person in any form or he / she contravenes the scheme of the act, rules and regulations he / she can be removed from the panel and shall also be liable for action for professional misconduct.
15. The MSSC reserves its rights to **enlarge the scope of work** of Advocates in order to achieve the aim and object of MSSC. Empanelment shall be liable to be canceled due to occurring of any of the above disablement on the part of the advocate.

18. Mode of Communication for Empanelment –

1. Candidates are requested to visit our website – <http://mahasecurity.gov.in/Careers.php> for updates for the process of empanelment.
2. Contact details for any difficulties / queries -
Director Administration
Maharashtra State Security Corporation.
32nd Floor, Center 1, World Trade Center,
Cuffe Parade, Mumbai.
Tel – (022) 22151670 Extn – 118/121
Email – directoradm.mssc@gmail.com

19. Doubt/ Difficulty -

If there arises any doubt / difficulty with respect to the implementation / interpretation of any clause of these guidelines, the same shall be placed before Supdt. of Police/General Manager (in charge of Admin Dept.) MSSC and his / her decision in this regard shall be final and binding.

MSSC reserves right to cancel the process of empanelment at any time without assigning any reason.

Sd/-
Managing Director
Maharashtra State Security Corporation

Annexure – I

FORMAT FOR EXPRESSION OF INTEREST FOR EMPANELMENT OF ADVOCATE FOR MSSC

Photo
with
Self
attest
ation

EOI No. _____
(For Office use)

EXPRESSION OF INTEREST FOR EMPANELMENT AS ADVOCATE (HIGH COURTS) FOR MSSC

I _____ hereby offer my consent for empanelment as Advocate for High Courts. For the same I am providing my details as follows

1. Name: -
2. Date of Birth: -
3. Age (As on 01.01.2021): -
4. Residential Address: -
5. Office Address: -
6. Chamber Address: -
7. Telephone No.(O): -
8. Telephone No.(R): -
9. Mobile No.: -
10. Fax No.: -
11. E-mail : -
12. PAN No.: -
13. AADHAR No: -
14. GST Registration No.: -

(GST Registration number is not compulsory to provide at the stage of submission of expression of interest. However, if empaneled, advocate will have to obtain GST registration certificate later.)

15. Educational Qualifications:

Course	Name of Board / University	Year of Passing	Obtained Percentage (Aggregate)
Graduation Degree -			
Professional Degree (LLB)			
Post-Graduation (LLM) if any			
Any other (if any)			

16. Date of Enrollment as Advocate: -

17. Enrollment No.: -

18. (Attach self – attested copy of enrollment certificate issued by Bar Council)

19. Practice Experience:
1. Supreme Court - _____ Years
 2. High Court - _____ Years
 3. Other than above - _Years (Attach an experience certificate issued by the Bar Association/Council)

- a) Total no. of cases handled: (Approx.)
- b) Nature of cases handled: (Attach extra sheet, if required)
- c) Specialization if any: (The details of a few important cases, the Applicant has dealt with / handled and reported judgment if any.)

20. Specify whether earlier remained on the panel of any other Institution / Government Department: YES/NO

21. If Yes, the details thereof:
(With Completion certificate)

Name of Organization	Tenure	Nature of cases	Number of cases	Contact Person of the Organization

Signature of Candidate

Annexure – II

FORMAT FOR EXPRESSION OF INTEREST FOR EMPANELMENT OF ADVOCATE FOR MSSC

Photo
with
Self
attest
ation

EOI No. _____
(For Office use)

EXPRESSION OF INTEREST FOR EMPANELMENT AS ADVOCATE (OTHER THAN HIGH COURTS) FOR MSSC

I _____ hereby offer my consent for empanelment as Advocate for Sessions Courts, Labour Courts, Magistrate Courts, Tribunals and providing Legal advice, etc. For the same I am providing my details as follows:

1. Name: -
2. Date of Birth: -
3. Age (As on 01.01.2021): -
4. Residential Address: -
5. Office Address: -
6. Chamber Address: -
7. Telephone No.(O): -
8. Telephone No.(R): -
9. Mobile No.: -
10. Fax No.: -
11. E-mail: -
12. PAN No.: -
13. AADHAR No: -

14. GST Registration No.: -

(GST Registration number is not compulsory to provide at the stage of submission of expression of interest. However, if empaneled, advocate will have to obtain GST registration certificate later.)

15. Educational Qualifications:

Course	Name of Board / University	Year of Passing	Obtained Percentage (Aggregate)
Graduation Degree -			
Professional Degree (LLB)			
Post-Graduation (LLM) if any			
Any other (if any)			

16. Date of Enrollment as Advocate: -

17. Enrollment No.: -

18. (Attach self – attested copy of enrollment certificate issued by Bar Council)

19. Practice Experience: 1. Supreme Court - Years
2. High Court - Years
3. Other than above - Years (Attach an experience certificate issued by the Bar Association/Council)

4. Total no. of cases handled: (Approx.)

5. Nature of cases handled : (Attach extra sheet, if

required)

6. Specialization if any:

(The details of a few important cases, the Applicant has dealt with / handled and reported judgment if any.)

20. Specify whether earlier remained on the panel of any other Institution / Government Department:

YES/NO

21. If Yes, the details thereof: (With Completion certificate)

Name of Organization	Tenure	Nature of cases	Number of cases	Contact Person of the Organization

Signature of Candidate

Annexure – III

Sr. N o.	Particulars		Remuneration	
			High Court	Courts than High Court
1	Hearing	Effective		
		Non Effective		
2	Filing of suit / Petition			
3	Conference			
4	Drafting / Affidavit / Written Statement etc.			
5	Opinion			

Note - The rates mentioned above are inclusive of GST as applicable.

Annexure – IV

DECLARATION

I hereby declare that all the statements made in this Expression of Interest are true, complete and correct to the best of my knowledge and belief. In the event of any information being found false/incorrect at any stage, my candidature is liable to be canceled. I have read and understood the instructions and terms and conditions of the empanelment and agree to abide by those. I declare that I fulfill the eligibility conditions for the category to which I am seeking empanelment. I have not submitted any other Expression of Interest for empanelment, besides the present one. I declare that I have never been penalized by any bar council in any Disciplinary Proceedings. I also undertake to maintain absolute secrecy about the cases of MSSC as required under the Act, Rules and Regulations there under. I agree with the Fee Schedule and all the terms and conditions notified by MSSC.

Signature of Candidate

Place: _____

Date: _____