



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, Jhalana Doongri, Jaipur-302004

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OFFICE ORDER

Sub: - Revised Terms and conditions and payment of professional fee to the empanelled advocates for the Rajasthan State Pollution Control Board for conducting cases before all the courts.

In supersession to the earlier office orders, the Rajasthan State Pollution Control Board hereby issues Revised terms and conditions for empanelment and payment of professional fee to the empanelled Advocates for the Rajasthan State Pollution Control Board for conducting cases before all the courts as annexed. The revised terms and conditions will come into force with immediate effect and it will be applied on the cases assigned to empanelled advocates on or after issuance of this order.

This bears approval of the competent authority.

Encl: - Annexure.

(Shailaja Deval)
Member Secretary

Rajasthan State Pollution Control Board

o/c

F.10 (118)Legal/RPCB/Misc./ 290-328

Dated: - 05.03.2020

Copy to following for information and necessary action:-

1. P.S. to Chairperson, RSPCB, Jaipur.
2. Addl. P.S. to Member Secretary, RSPCB, Jaipur.
3. Chief Environment Engineer, RSPCB, Jaipur/ Chief Scientific Officer, RSPCB, Jaipur/ Chief Accounts Officer, RSPCB, Jaipur/ Head of Office, RSPCB, Jaipur.
4. Group In charge, Environmental Clearance/Hazardous /MSW/BMW& E-waste/Hotel, Oil & Metals/ Textile/ Cement & Power / Planning/ CD&Cess/ MUID/ Mines/ DF/ IEC/VTR/SPIO/Training & Project/SCMG &DS/Legal, RSPCB, Jaipur.
5. Regional Officer, Regional Office, RSPCB, Kota/ Jaipur(S)/ Jaipur(N)/ Bikaner/ Alwar/ Udaipur/ Bharatpur/ Chittorgarh/ Kishangarh/ Pali/ Sikar/ Bhilwara/ Balotra/ Jodhpur/ Bhiwadi.
6. GIC, IT for uploading the office order on Board's website.
7. Master File.

Member secretary

o/c

ANNEXURE


**REVISED TERMS AND CONDITIONS
FOR EMPANELMENT AND PAYMENT OF PROFESSIONAL
FEE TO THE EMPANELLED ADVOCATES OF THE
RAJASTHAN STATE POLLUTION CONTROL BOARD FOR
CONDUCTING CASES BEFORE:-**

- SUPREME COURT OF INDIA
- HIGH COURT'S
- NATIONAL GREEN TRIBUNAL AND IT'S BENCHES
- DISTRICT AND SUBORDINATE COURTS OTHER QUASI-
JUDICIAL



RAJASTHAN STATE POLLUTION CONTROL BOARD
4, Jhalana Institutional Area, Jhalana Doongri, Jaipur.

MARCH, 2020


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**RAJASTHAN STATE POLLUTION CONTROL BOARD
JHALANA INSTITUTIONAL AREA,
JHALANA DOONGRI, JAIPUR.**

5th March, 2020

Terms and Conditions for empanelment and payment of fee for the empanelled Advocates of the Rajasthan Pollution Control Board (RSPCB) for conducting cases before the Hon'ble Supreme Court of India, High Courts, National Green Tribunal Bench, District and Subordinate Courts.

I- PROCEDURE FOR EMPANELMENT OF ADVOCATES

- A. Board will endeavour to have on its roll counsels at each of the places where litigation is going on or is likely to come up.
- B. While preparing panel of advocates, preference should be given to Advocates, who have experience in dealing with litigation in the matter of Environmental laws.
- C. Minimum experience required for empanelment Advocates shall be as follows:-
- | | | |
|---|---|---------|
| 1. Supreme Court | - | 7 years |
| 2. High Courts/National Green Tribunal | - | 5 years |
| 3. District and Subordinate Courts
and Quasi-Judicial bodies | - | 3 years |
- i. The empanelment of the Advocate for the Supreme Court of India, High Courts, National Green Tribunal shall be done by the Member Secretary after due approval of Chairperson.
- ii. Advocate shall be empanelled by the concerned Regional Officer's for the District & Sessions Court/ Lower Courts and other Quasi-Judicial bodies and due approval be obtained from Head Office on case to case basis.
- iii. Counsels already engaged before date of issuing of order would continue for the cases for which they have been engaged on the terms and conditions provided to them earlier.

II- SCOPE OF TERMS AND CONDITIONS

The terms will be operative in respect of all the cases entrusted on behalf of the Rajasthan State Pollution Control Board to the empanelled Advocates and to be empanelled advocates.


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II-TERMS OF ENGAGEMENT

- (i) **Engagement:** - The terms of engagement of the empanelled Advocates would be based on the performance.
- (ii) **Termination:** - The engagement of the empanelled Advocates would be terminable at any time without assigning any reason. Further, the Board reserves the right to change the Advocate of any case at any stage, without giving any prior notice/information to the Advocate.

III-DUTIES

- (i) The empanelled Advocate shall:
 - (a) Appear in the Supreme Court of India, High Courts, National Green Tribunal and its Bench, District and Subordinate courts.
 - (b) If so required appear in the other Courts, Tribunals, Commissions on Enquiry, before the Arbitrators/Umpires, Judicial or Quasi-Judicial Authorities etc. if required at the outside of Rajasthan.
 - (c) Render all assistance to the Law Officers/ Advocate General of the State Government, Special Counsel, who may be engaged in a particular case before the Hon'ble Supreme Court, High Courts, National Green Tribunal Bench, District and Subordinate Courts, Commission of Enquiry, before the Arbitrators/Umpire etc.
- (ii) The empanelled Advocates shall inform the Member Secretary and the Law Division and Officer- Incharge of the case (Nodal Officer), Rajasthan State Pollution Control Board, the important developments in the case from time to time and day to day basis, particularly with regard to dates of hearing of the case, filing of papers, supplying copies of judgments/orders, settling of draft etc..
- (iii) The empanelled Advocate shall send a note on day to day proceedings in each of the entrusted matter in which he appeared on behalf of the Rajasthan State Pollution Control Board. The information on day to day proceedings of the case is required for the record of the State Board.
- (iv) Perform such other duties of a legal nature which may be assigned to him by the Rajasthan State Pollution Control Board from time to time
- (v) The empanelled Advocate shall ensure to file all the replies/response before the Registry of the Courts/Tribunals at his own level or by his own


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staff. No assistance will be provided for filing the replies/responses by RSPCB.

- (vi) The empanelled Advocate shall appear personally on every hearing except in any unavoidable circumstances.
- (vii) Counsel engaged shall be responsible for any procedural lapses and he will place new facts as per Courts/Tribunals procedure.

IV-FEE PAYABLE TO THE EMPANELLED ADVOCATES:

The professional fee will be released on presentation of the professional fee bill by the empanelled Advocate, in duplicate, for each appearance/for each case in Supreme Court, High Court, National Green Tribunal and its Benches, District and Subordinate Courts and other Quasi-Judicial bodies.

A. SUPREME COURT MATTERS		
1.	Rs.9900/-	Per case per day appearance, no advocate shall be paid any charges for drafting of WP/ SLP/ Reply/ Application/ Affidavit etc.
2.	Rs. 2200/-	For filing caveat in order to avoid any ex-parte adverse order
3.		Identical cases will be treated at par with single case. In these cases, full fee shall be paid in main case and in remaining identical matters one third of the professional fee for each case upto maximum 05 cases shall be paid.
4.		Miscellaneous expenses if any, out of pocket expenses will be paid as per actual to the satisfaction of the RSPCB and no clerkage charges will be paid.

B. RAJASTHAN HIGH COURT MATTERS		
1.	Rs. 8500/-	For each case, no advocate shall be paid any charges for drafting of WP/Reply/ Application/ Affidavit etc.
2.	Rs. 1100/-	For filing caveat in order to avoid any ex-parte adverse order
3.		Identical cases will be treated at par with single case. In these cases, full fee shall be paid in main case and in remaining identical matters one third of the professional fee for each case upto maximum 05 cases shall be paid.
4.		Miscellaneous expenses if any, out of pocket expenses will be paid as per actual to the satisfaction of the RSPCB and no clerkage charges will be paid.


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C. NATIONAL GREEN TRIBUNAL AND ITS BENCHES MATTERS

1.	Rs. 21000/-	For each case, no advocate shall be paid any charges for drafting of OA/ Appeal/Reply/ Application/ Affidavit/Compliance report etc.
2.	Rs. 1100/-	For filing caveat in order to avoid any ex-parte adverse order
3.		Identical cases will be treated at par with single case. In these cases, full fee shall be paid in main case and in remaining identical matters one third of the professional fee for each case upto maximum 05 cases shall be paid.
4.		Miscellaneous expenses if any, out of pocket expenses will be paid as per actual to the satisfaction of the RSPCB and no clerkage charges will be paid.

D. DISTRICT AND SUBORDINATE COURTS

1.	Rs. 4000/	For each case, no advocate shall be paid any charges for drafting of Plaint/ Criminal Complaint/ Appeal/ Reply / Application/ Affidavit etc.
2.	Rs. 550/-	For filing caveat in order to avoid any ex-parte adverse order
3.		Identical cases will be treated at par with single case. In these cases, full fee shall be paid in main case and in remaining identical matters one third of the professional fee for each case upto maximum 05 cases shall be paid.
4.		Miscellaneous expenses if any, out of pocket expenses will be paid as per actual to the satisfaction of the RSPCB and no clerkage charges will be paid.

E. Engagement of Senior Advocates/ Advocate General/ Additional Advocate General/Solicitor General/ Additional Solicitor General or any Special Counsel.

In case it is considered appropriate to hire the services of Senior Advocate/Special Counsel, fee shall be such as may be settled between the Board and the Senior Advocate/Special Counsel. In case of appointment of AG/AAG/SG/ Special Counsel fee and expenses shall be as per the appropriate government orders.


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V-OTHER CONDITIONS

- (i) The empanelled Advocate of the Rajasthan State Pollution Control Board will have the right to private practice which should not, however, interfere or conflict with the efficient discharge of his duties as an empanelled Advocate of the Rajasthan State Pollution Control Board.
- (ii) The empanelled Advocate of the Rajasthan State Pollution Control Board shall not advise any party in or accept any case against the Rajasthan State Pollution Control Board which is likely to affect or end to litigation against the Rajasthan State Pollution Control Board.
- (iii) If the empanelled Advocates of the Rajasthan State Pollution Control Board 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 the Rajasthan State Pollution Control Board in the Supreme Court of India or any High Court of the Country, NGT Benches, including Lower Courts or any case arising out of these cases, appeals, revisions and any arbitration matter.
- (iv) The empanelled advocate on completion/ end of their engagement as advocate with the RSPCB shall not appear in any case in which they have been advocate for RSPCB or given their opinion in such matters or known the facts in discharge of his duties.

VI-GENERAL

The aforesaid terms and conditions for the empanelled Advocate of the Rajasthan State Pollution Control Board will have the following meanings:

- (a) Uncontested Cases: (i) All suits and appeals are deemed to be 'uncontested' if these are withdrawn by the Petitioner/Appellant or Dismissed in limine at the admission stage or otherwise decided by the Court/Tribunal Ex-Parte before the final hearing.
(ii) No Writ Petition/Review Petition (including any Interlocutory Application connected therewith) will be considered as uncontested' If is decided by the Court/Tribunal on preliminary legal objections or is withdrawn by the Petitioner/Appellant at or during any stage of the final hearing
- (b) Identical Cases: Identical cases means 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., and/or where common


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or identical judgments are delivered irrespective of the facts that all the case are heard together or not.

- VII No fee will be payable to the empanelled Advocate of the RSPCB 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.
- VIII The Special Leave Petition/Writ Petitions/Appeal arising from one common judgment or order will be together considered as one case, if they are heard together.
- IX If two or more Special Leave Petitions/Petitions of Appeal/Writ Petition of substantially identical question of law for facts are involved in or arises out of a common judgment or order, any one of such cases will be treated as main case and the other cases as identical connected cases.
- X The professional fee to the empanelled Advocate of the Rajasthan State Pollution Control Board will be paid by the State Board on presentation of duly signed fee bill in duplicate along with submission of details of proceedings.
- XI The empanelled Advocate of the Rajasthan State Pollution Control Board shall not handle any case under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Water (Prevention and Control of Pollution) Cess Act, 1977 and Environment (Protection) Act, 1986 and any case arising under the Rules made under the Environment (Protection) Act, 1986 or Rules made there under any other Act relating to pollution aspects on behalf of any parties other than Rajasthan State Pollution Control Board.
- XII The empanelled Advocate of the Rajasthan State Pollution Control Board shall not handle any type of case against Rajasthan State Pollution Control Board.
- XIII The empanelled Advocate of the Rajasthan State Pollution Control Board shall comply with instructions given to him time to time by the Rajasthan State Pollution Control Board.
- XIV The Rajasthan State Pollution Control Board may withdraw any brief entrusted to the empanelled Advocate without assigning any reason.



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- XV** In the event of any doubt or difference regarding the professional fee, the fee determined by the Rajasthan State Pollution Control Board shall be final and binding on the empanelled Advocate.
- XVI** The Terms and Conditions for payment of fee for the empanelled Advocates of the Rajasthan State Pollution Control Board for conducting cases before the Hon'ble Supreme Court, High Courts, National Green Tribunal Benches, District and Subordinate Courts issues with the approval of the Competent Authority, Rajasthan State Pollution Control Board.
- XVII** Adequate budget would be allotted to concerning R.Os and Officer-in-charge in case of where Regional Officer is the applicant, and/or complainant and or Officer-in-Charge, he is authorized for payment of expenses as well as fees. In the cases where any of the officers from the Head Office is appointed as Officer-in-Charge, he is authorized to pay on the spot expenses of filing case or reply, however, the payment of fees shall be made by HQ.
- XVIII** The bills of professional fee and expenses submitted by the empanelled advocates shall be verified by the concerned Officer-Incharge at the time of presenting the bill. And same shall be forwarded to the Law Section, RSPCB with due verification. 50% of professional fee will be payable as soon as the WP/Appeal/ Application/Reply etc. is filed and rest 50% will be paid after disposal of the case, except for advocates engaged on the basis of per day hearing.
- XIX** The Empanelled Advocates will be paid fee at the old rates in respect of matters, which was assigned to Empanelled Advocates before effective date of this revised terms and conditions for payment of fee for the empanelled advocates i.e., 1 March, 2020 and the revised fee will be applicable to the matter assigned on or after 1 March, 2020 to empanelled Advocates of RSPCB.


(Shailaja Deval)

Member Secretary
Rajasthan State Pollution Control Board
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