



MAHARASHTRA STATE WAREHOUSING CORPORATION

(A Public Government Undertaking)

583/B, Market Yard, Gultekadi, PUNE-411 037

Tel. 020-24206800, 24262951

Email: - mswcinfo@mwarehouseing.com

Website: mwarehouseing.com

EMPANELMENT OF ADVOCATES

Applications are invited in the prescribed format via e-mail at legalcell.ho@mswc.in or by sealed envelope to the Chairman & Managing Director from eligible candidates for empanelment as an Advocate for the Panel of the MSWC within 30 Days from the date of publication of this advertisement along with the complete certified documents. Terms and Conditions are available on the above website of MSWC www.mwarehouseing.com.

Chairman and Managing Director

Notice



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NOTICE INVITING APPLICATION FOR EMPANELMENT OF ADVOCATES

Date:- 07.03.2025

The Maharashtra State Warehousing Corporation Proposes to engage panel Advocate(s) to represent MSWC before Various Court, High Court, Various Tribunals, District Courts, and other Courts.

The practicing advocates, Solicitors, (Including Law Firms) who are registered with Bar Council of India/State Bar Council and having minimum 10 years' experience are eligible for Practicing advocate must submit application in the format prescribed in Annexure "A" and "B" of the empanelment of Advocates along with all supporting documents in a sealed envelope to:- Chairman and Managing Director or on e-mail address legalcell.ho@mswc.in.

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The envelope should be superscribed as following: -

"Application for Empanelment of Advocate for Supreme Court, High Court. Tribunals, District Courts, Lower Courts."

The detailed empanelment document can be downloaded from the MSWC

Website: 'www.mwarehouseing.com'

The last date of receiving Applications in the prescribed format along with supporting documents is date: - 11/04/2025 till 5.Pm.

The Advocate should apply for their respective Region/ District only.

----SD----

Chairman and Managing Director

The Maharashtra State Warehousing Corporation

Legal Department

POLICY ON

EMPANELMENT OF ADVOCATES,

ENGAGEMENT OF SENIOR ADVOCATES

& SOLICITORS (INCLUDING LAW FIRMS)

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POLICY ON EMPANELMENT OF ADVOCATES, ENGAGEMENT OF SENIOR ADVOCATES & SOLICITORS (INCLUDING LAW FIRMS)

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Purpose of the Policy

In view of increased number of filing / pending of various Civil suits Disputes pending for recovery, possession, defence on various ground before all civil and criminal courts followed by appeals at District Courts and Writ Petitions, before High Court have increased manifold. As a result, huge funds of the MSWC have got stuck in litigation for indefinite period thereby seriously affecting recovery of the MSWC or getting relief from claims against MSWC filing of suits, Disputes etc. taking timely remedial measures and to effectively and efficiently manage the suit filed accounts, obtaining orders of injunction, attachment before judgment will help in taking the legal proceedings to their logical end.

To achieve the desired results, it is imperative to frame policy guidelines and mechanism for empanelling the advocates from time to time as per the MSWC requirement.

Previous Empanelment Practice

As per the practice followed till date Advocates were engaged as per nature of suits/claims/petitions, complexity of the case and the expertise and experience of the Advocate. Consultation with Sr. Counsel on record preference was given to the Advocates who are handling / empanelled with MSWC, government establishment and having good record of performance.

1.CRITERIA FOR EMPANELMENT OF ADVOCATE

For being included in the panel Lawyers or Legal Firms shall have independent experience and effective practice at Bar preferable of continuous (Without gap) 10 years in handling the cases relating to Land matters/Co-operative Court Matters / Revenue matters/Contractual matters/Arbitration matters/Service matters/Company Law matters/Taxation/labour laws/company laws/civil suits/writ matters and constitutional laws, there shall not be any relaxation in this criteria.

The advocate should have undoubted legal acumen and unblemished integrity. A certificate in this regard issued by the concerned Bar Association shall be provided by the advocate as per the format provided at **Annexure 'A'**.

Advocates having practice of 10 years at the bar will be placed in the panel Such panel will be reviewed from time to time.

The application to be submitted by the Advocates for empanelment should contain the following details/particulars (self attested):

1. Photocopy of the Board certificates and Mark Sheets of SSC, HSC, Graduation and LLB.
2. Photocopy of all the testimonials of the concerned Advocate as referred to in the bio-data.
3. Photocopy of PAN Card.
4. Photocopy of enrolment certificates issued by Bar Association where the concerned Advocate is practicing.
5. Candidate shall affix Coloured photograph on the form.
6. Certificate of GST Registration.
7. ITR for last 3 Years.

II. PROCEDURE FOR EMPANELMENT

Applications from the intending advocates for empanelment will be invited required. An advertisement to this effect will be published in the local newspapers. The intending advocates will be required to visit the MSWC website to know the details and also to download the application and the other requisites relating to the empanelment.

The applications so received shall be scrutinized by the Head office.

1. 10 years' experience certificate of Advocate Bar council / Bar Association.
2. Applicant should have passed the LLB Degree on his first attempt with minimum first class.
3. Applicant should be able to speak, write and read English, Marathi and Hindi languages.
4. While considering the eligibility criteria, preferences shall be given to the senior advocates at the Bar.
5. However, if more than one Advocate is in the same date of seniority, then Advocates with more marks in LLB shall be given preference.
6. There shall not be any kind of relaxation in experience etc.
7. The Applicant Advocate shall submit original documents as per demand.
8. The MSWC will form the Panel of Advocates as follows-
 1. Supreme Court -3 advocates
 2. High Court -7 advocates,
 3. Civil/District Court – 10 advocates,
 4. Co-Operative Court- 5 advocates,
 5. Labour/Industrial Court -5 advocates,
 6. DRT – 3 advocate,
 7. Criminal Court- 3 advocates,

After short listing the names of the eligible advocate(s) as indicated herein above, Legal Department shall place the applications before the Chairman and Managing Director. Based as above criteria Chairman and Managing Director will scrutinize the eligibility of the advocates and issue an appointment letter.

Advocates should apply for their respective Regions/ Districts only.

III. OTHER TERMS AND CONDITIONS FOR EMPANELMENT,

Advocate(s) should agree to abide by the MSWC terms and conditions as the professional fees, charges etc. and Advocate has to give undertaking in this regard.

The concerned advocate(s) will be informed in writing of his empanelment and the terms and conditions of his empanelment as per **Annexure 'C'**.

Candidate shall mention contact number, Residential and office address and e-mail address properly.

It shall be made clear to the advocate(s) that approval in MSWC panel of advocate does not amount to an appointment or right for an appointment and MSWC is free to engage any advocate of its choice and the empanelled advocate cannot claim to be entrusted with MSWC's work.

The advocate(s) should undertake not to appear against the MSWC and they do not support the litigation which is detrimental MSWC's interest.

It shall be made clear that under no circumstances they should use any legend containing MSWC's name or symbol in letter heads, signboards, name plates etc. such as legal advisor to MSWC or advocate for MSWC etc.

The empanelled advocates shall, upon receiving the letter from the MSWC confirming their empanelment, submit a letter of acceptance (on their letter heads) as per **Annexure'D'**.

IV. DUTIES AND RESPONSIBILITIES OF PANEL ADVOCATES:-

- I. **Drafting:** to draft Notices, Complaints, petitions, written statement, claim counter claims, Civil Application, Misc. Application, rejoinders, Affidavit, Agreement, MOU etc., as and when required.
- II. To give legal opinion as and when required.
- III. To attend different authorities/ Courts personally as required.
- IV. While pursuing/defending any litigation on behalf of the MSWC, the panel Advocate (s) should intimate the day to day progress/updates of the matter to the concerned Legal Department of the MSWC via email, Telephone, WhatsApp etc.
- V. Not to seek adjournments without any valid and cogent reasons and without Concurrence of the MSWC.
- VI. Not to make any submission before the court without proper instructions from the concerned Legal Department of the MSWC.
- VII. Intimate and Advise the Legal Department of the MSWC for engaging Senior Counsel, if required, to protect the interest of the MSWC.
- VIII. Not to appear either directly or through his juniors/ assistant advocate against the MSWC in any matter.
- IX. To timely advice and take necessary action on time on claims and matters entrusted.

V. MAINTENANCE OF PANEL

(a) The legal department of MSWC will be free to choose any advocate from the panel depending upon the nature of the case, vicinity, capacity to complete the work expeditiously etc. in consultation with the Legal department at H.O. The advocate(s) will be informed in writing for such engagement.

(b) Bio Data of advocate(s) shall be kept in the panel file with proper index at Legal Department.

(c) Record of empanelled advocate(s) will be maintained at Head Office. It can be maintained in electronic form also. The record will contain name of advocate, address, phone number, date of empanelment etc.

VI. PERFORMANCE REVIEW OF ADVOCATES/REMOVAL OF ADVOCATES (PANEL ADVOCATES) FROM APPROVED PANEL.

Review of performance of advocates shall be done by the Legal department on yearly basis.

The report on review of performance of advocates will be placed before the Chairman and Managing Director and if it is found that the performance of any advocate is not satisfactory or not up to the mark, his name shall be removed from the panel upon obtaining approval of the Chairman and Managing Director. Before removing the name of the advocate from the panel, due intimation shall be given to such advocate along with reasons thereof in writing. If it is found that any advocate acts contrary to any of the terms of empanelment, does not follow his duties and responsibilities, his empanelment shall be cancelled.

If there are any adverse reports or advices received from any other department about the conduct of any advocate on panel, the Legal department shall initiate action for his removal on the basis of recommendations of the department at H.O. All the matters entrusted to such advocate (s) will be immediately withdrawn and further action, as decided may be taken.

VII. OTHER MISECLLENEOUS ASPECTS.

Advocates shall intimate / inform the outcome/ developments in cases to the legal department immediately on the date of hearing and give consolidated position in writing at least once in a month. The advocates shall also intimate important developments in writing.

In some cases, it is observed that advocates who act expeditiously in the matter of filing suits do not show any interest in execution proceedings. Such advocates need not be retained in the panel unless there are other compelling circumstances to do so. The fee payable to an Advocate shall be governed by the MSWC. In the event advocates do not agree to accept the fee schedule of the MSWC, they may not be empanelled or retained in the panel unless there are compelling reasons to do so. Higher fees may be considered with prior approval of Chairman and Managing Director.

In matters where there is no prescribed fee by the MSWC. In such cases approval of Chairman and Managing Director will be required.

In case of situations warranting change of Advocates/ Counsels due to elevation to the judiciary, change in occupation, change of place of work, transfer of cases to different courts/tribunals or death or any other situation, it shall be ensured by the concerned Regional Officer/HOD at Head Office to attend such cases forthwith. The brief and documents entrusted to such advocates/counsels be taken back and the matter is appropriately dealt with by engaging other suitable empanelled advocates.

No retainer fees shall be paid to any panel Advocate merely because such advocate has been empanelled.

While claiming fees, self-attested computerized copies of the said order be submitted for verification and necessary approval. The copies of order/Rojnama shall be submitted with fees bill.

If any dispute arises in respect of fees to be paid to Advocate, the decision of the Chairman and Managing Director shall be final.

VIII. 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 MSWC.
3. Failing to attend the hearing of the case without any sufficient reason and/or prior intimation;
4. Not acting as per MSWC instructions or going against specific instructions;
5. Not returning the brief when demanded or not allowing or evading inspection on demand;
6. Misappropriation of the MSWC funds or earmarking, using the same towards his fee without MSWC permission.
7. Threatening intimidating or abusing any of the MSWC employees, officers, or representatives;
8. Making any of his associates or juniors to appear on behalf of any of the opposite parties in case/appeal related to MSWC.
9. Committing an act that amounts to contempt of court or professional misconduct;
10. As and when debarred by Bar Council;

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11. Passing on information relating to MSWC's case on to the opposite parties or their Advocates or to any third party which is likely to cause any damage to the MSWC's interests;
12. Giving false or misleading information to the MSWC regarding 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 MSWC reserves its rights to enlarge the scope of work of Advocates in order to achieve the aim and object of MSWC.

IX. 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 Chairman and Managing Director of MSWC and his decision in this regard shall be final and binding.

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

X. ENGAGEMENT OF SOLICITOR FIRMS/SENIOR ADVOCATE/COUNSELS

In particular cases, where the services of an advocate of proven ability/ Senior Counsel in a specialized branch of law or a lawyer working for a reputed firm of Solicitors, is required and his name is not in the MSWC panel, on the specific recommendations of the Region Offices/HOD, the Legal Department may consider the same and place it before Chairman and Managing Director of the MSWC for necessary orders as a special case to protect the interest of the MSWC.

The amount of fee payable to such Senior Counsel/ Senior Advocate towards professional fee shall be as per discretion of the C &MD (Chairman and Managing Director of the MSWC)

So far as engagement of Junior Advocate or Associate Advocate by the MSWC's approved Advocate for his convenience or assistance (except where court rules make it compulsory to the Senior Advocate to have a Junior Advocate) it should be made clear to the Advocate that it should not be construed as an implied consent and no separate fee is payable to such Junior Advocate or Associate Advocate. Moreover, he will be responsible for all the acts and actions of such junior or associate whether engaged with or without consent of the MSWC and he should ensure that the MSWC's work is properly accomplished and not to put the MSWC interest into jeopardy in any manner.

ANNEXURE 'A'

FORMAT OF CERTIFICATE TO BE OBTAINED FROM THE CONCERNED BAR ASSOCIATION.

This is to certify that Shri/Smt/Ms..... S/o, W/o,
D/ohaving residence at....
.....chamber/office at..... is a bonafide
member of this Bar Association since..... .. and is practicing
since.....in..... Court on Civil/Criminal/Labour Laws/Property
Laws/Banking Laws etc (Whichever is applicable).

It is further certified that Shri/Smt/Ms.....
is efficient and having good knowledge in the field of his/her practice and is
conducting cases independently.

Shri/Smt/Ms..... is hard working and has
good moral character and no adverse report against him/her has come to my
knowledge. I wish him/her the very best in his entire future endeavors

Sd/-

President/Secretary

Bar Association.

Place:

Date:

FOR EMPANELMENT OF ADVOCATE FOR MSWC

ANNEXURE 'B'

No.....

(For Office use)



FOR EMPANELMENT OF AN ADVOCATE FOR THE MSWC

Ihereby

offer my consent for empanelment as Advocate. For the same I am

providing my details as follows-

- 1) Name :
- 2) Date of Birth :
- 3) Residential Address :
- 4) Office Address :
- 5) Chamber Address :
- 6) Telephone No. (0) :
- 7) Telephone No. (R) :
- 8) Mobile No. :
- 9) E-Mail ID :

10) PAN No.

11) ADDHAR No.

12) GST Registration No:

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

13) Educational Qualification:

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

14) Date of Enrolment as Advocate:

15) Enrolment No.:

(Attach Self-attested copy of enrolment certificate issued by Bar Council)

16) Practice Experience (Duration of actual practice)

Sr. No	Name of the Court	Period from -to	No. of Years of Practice
1.	Supreme Court		
2.	High Court		
3.	District Court		
4.	Other Court		

(Attach an experience Certificate issued by the Bar Association/ Council)

a) Total No. of Cases Handled (Approx)

b) Nature of Cases Handled

(Attached 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.)

17) Specify whether earlier remained on the panel of YES NO
MSWC Authority or any other
Institution/Government Department.

(Please tick in the concerned Column)

If remained on the Panel of MSWC YES NO

18) Name of the District for which
Application is filed (Please tick ✓)

S.N.	Name of District	Name of the Court							
		Supreme	High	Civil/ District	Co- Operative	Labour/ Industrial	DRT	Criminal	Others
1									
2									
3									
4									

**Signature & Seal of the
Candidate**

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 cancelled. I have read and understood the instructions and terms and conditions of the empanelment and agree to abide by those. I declare that I fulfil 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 case of MSWC as required under the Act, Rules and Regulations there under. I agree with the Fee Schedule and all the terms and condition notified by MSWC.

Place:

Signature of Candidate

Date:

ANNEXURE 'C'

To,

Date:

Shri/Smt.....Advocate

Address:

Reg: Empanelment of your name in the MSWC's Panel.

With reference to your request letter dated --for empanelment, we are pleased to inform that your name is included in the MSWC's panel on the following terms and conditions:

You shall accept professional fee as may be prescribed by the MSWC.

You will not claim / not be entitled to any fee for any opinion purpose, in connection with the suits entrusted to you.

You will not claim / not be entitled to any TA, DA or any type of reimbursement for visiting courts etc.

You will not use any logo containing the MSWC name or symbol in your letter- heads, sign boards, name plates etc. as panel lawyer of MSWC etc.

You have clearly understood that inclusion of your name in the approved panel does not amount to any appointment or right for an appointment to be made by the MSWC and the MSWC is free to appoint any advocate of its choice and no right exists for any empanelled advocate to claim that he / she alone should be entrusted with the MSWC's work.

You have been included in the panel of approved lawyer without any retainer fee.

So long as you are in MSWC's approved panel, it is normally expected that you would not appear in any of the cases against MSWC and when there is conflict of interest, you have to seek prior concurrence of the MSWC in writing.

You must bestow your sincere efforts for expeditious disposal of the cases entrusted to you and should report the progress to the legal department.

On regular basis in writing and all-important developments immediately after the date of hearing.

While pursuing / defending any litigation on behalf of the MSWC the panel advocate should-Intimate the day to day progress of the matter to the concerned office of the MSWC.

Not seek adjournments without any valid and cogent reasons.

Not make any submission before the Court without proper instructions from the concerned officer of MSWC.

May advise the concerned branch/office for engaging Senior Advocate counsel if required to protect the interest of the MSWC.

Not appear either directly or on behalf of his juniors / assistant advocates against the MSWC.

You would abide by such other reasonable terms and conditions that the MSWC may stipulate from time to time.

The aforesaid empanelment is initially for one year and likely to continue subject to your satisfactory performance. The MSWC has the discretion to delete your name from the panel at any time without assigning any reasons. Once your name is removed you have to give your No objection forthwith so that the cases can be assigned to other advocate also relevant files and documents in the matters should be forthwith handed over to the MSWC.

Please acknowledge receipt and convey acceptance of the terms and conditions.

Yours faithfully,

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Annexure-D

(On Advocate's Letter Head)

Date:

To
Deputy General Manager (Legal)
MSWC, HO, Pune

Dear Sir,

I have received your Letter No. dated regarding empanelment as advocate for your Corporation and I hereby accept all the terms and conditions stipulated therein, and expressly agree to abide by such other reasonable terms and conditions as may be stipulated from time to time.

I will devote sufficient time for MSWC cases and also take special interest for expedite hearing of the cases.

I agree to submit progress reports of all pending cases with suit cases no, etc. thereof along with the up-to-date developments of all cases on regular basis.

I also agree that I will inform status of hearing and next steps to be taken in a case immediately after hearing date of the case.

I clearly understand that my empanelment may be cancelled / terminated at any time by the MSWC if it is found that due to my inability or actions, the MSWC interest is exposed to risk and I further understand and aware that my name may be referred to the Bar Council of India and / or the MSWC may take action against me as it deems appropriate.

I agree to abide with all the terms and conditions as contained in your letter No..... Dated...

Yours faithfully,

ADVOCATE
Bar Council Enrolment No.

Annexure E

Name of Places where Empanelment of Advocates are to be constituted

Sr. No	Place/ Name of Region	Included Districts
1.	Pune (Including HO)	Pune, Ahmednagar, Solapur
2.	Aurangabad	Aurangabad, Beed, Jalna
3.	Amravati	Amravati, Akola, Buldhana, Washim, Yawatmal
4.	Nagpur	Nagpur, Gadchiroli, Wardha, Bandara, Chandrapur, Gondiya
5.	Mumbai	Mumbai, Palghar, Panvel, Thane, Raigad,
6.	Nasik	Nasik, Dhule, Nandurbar, Jalgaon,
7.	Kolhapur	Kolhapur, Sangli, Satara, Ratnagiri, Sindhurg
8.	Latur	Latur, Dharashiv, Nanded, Parbhani, Hingoli