

From

The Chief Administrator,
Haryana Urban Development Authority,
Panchkula.

To

1. All the Administrators, HUDA.
2. The Chief Controller of Finance, HUDA, Panchkula.
3. The Chief Engineer, I & II, HUDA.
4. All the Superintending Engineers, HUDA.
5. All the Estate Officers, HUDA.
6. All the Advocates on HUDA penal.

Memo No.LR-AEO-08/208

Dated:7-01-08

Subject: Revision of fees of HUDA Counsels and new terms and conditions of engagement of HUDA Counsels.

The Hon'ble Chief Minister, Haryana-cum-Chairman, HUDA on 17.12.2007 has approved the revised rates of counsels fee for filing & defending the cases on behalf of HUDA in various courts.

1. Fees will be paid to the Counsel as per following scales:-

(i)	<u>Supreme Court</u>		As per scales fixed by Govt. of Haryana issued under letter No.21/2/91-5JJ(I) dated 24.5.2002 or to be amended by Govt. of Haryana from time to time.
(ii)	<u>High Courts including Delhi High Court.</u>		
(a)	All cases except contempt matters.		Rs.6, 600/- per case.
(b)	<u>Contempt cases</u>		
	(i) Cases where simple replies are filed after		Rs.3,300/- per case

	compliance with the orders & no arguments take place.		
	(ii) Other contempt cases		Rs.6,600/- per case
	<u>Note :</u> Distinction in fees has been made because in most of the contempt cases, simple replies are required to be filed after complying with the orders. It has been observed that most of the contempt petitions are being disposed off after compliance of the orders are brought to the notice of Hon'ble Court without arguments.		
(iii)	All other Courts including National/State Commissions/District Courts/Distt. Consumer Forums.		Rs.4,400/- per case

However, in bunch matters, full fees for one case and additional fees of 20% per case shall be paid. If the number of cases in a bunch exceeds 20 cases, additional fees will be paid only @ 10% for cases exceeding 20 cases.

In addition, out of pocket expenses shall be paid @ Rs.500/- per case which will be inclusive of all expenses including sending various reports, obtaining of certified copy of the orders etc. In case, Misc. actual expenses are more than Rs.500/- in each case same shall be paid as and when these are incurred and bill presented alongwith supporting vouchers.

2. The Counsel shall attend all hearings meticulously and keep track of various adjournments himself. He shall inform the progress of the case of each date in the enclosed proforma through email either the same day or at the best on next day to controlling authorities with copy to Legal Cell, HQs.

3. It shall be the responsibility of the Counsel to ensure that written statement/reply/objections in the case are filed well in time after approval from competent authority. HUDA shall not be responsible for cost, if any, imposed by any Court if comments and necessary papers have been supplied to the Counsel in time.

4. A signed copy of the written statement/reply/objections alongwith the date of filing shall be intimated to Admn./EO and LR, HUDA within 3 working days of such filing. An intimation through e-mail, however, shall also be sent regarding such filing.

5. 50% of the fees shall be paid after a copy of written statement/reply/objections alongwith date of filing has been sent/intimated to the concerned Admn/EO and LR, HUDA as mentioned at Sr.No.4 and remaining 50% fee shall be paid after final disposal of the case. However, in case, the court case is withdrawn from the counsel or the case is rendered infructuous because of the implementation of the orders or Redressal of grievances of the petitioner/ complainant, the balance fees shall not be paid. Wherever, cases are withdrawn from an advocate and given to the new advocate, only balance fees shall be paid to the new advocate.

6. As and when the case is finally disposed of, the counsel shall apply for obtaining certified copy of the order within two working days and supply the same to HUDA alongwith brief of the case, his detailed opinion for filing appeal against the order supported by the grounds of appeal (in case it has been decided against HUDA) within seven days of the receipt of certified copy so that decision and action can be taken to file appeal/revision within limitation period. The Counsel will also give intimation regarding applying for certified copy and sending the certified copy alongwith detailed opinion as well as grounds of appeal through email so that its receipt can be tracked and papers are not lost either in transit or in the office.

7. No undertaking on behalf of HUDA shall be given in any Court by the Counsel except after receiving written communication/ authorization from or on behalf of CA, HUDA.

8. In case there is a delay in supplying the certified copy, detailed opinion supported by the grounds of appeals in cases where the verdict of the court has gone against HUDA, a deduction of 10% of the fees will be

made and if the copy is made available less than 15 days before the limitation period is to expire, no fees shall be paid. Atleast 15 days is required to process the case, take a decision regarding filling of appeal & for actual filing of the appeal/revision.

9. As per the procedure of Defence of Court Cases issued vide this office Memo No.3179 dated 28.5.2007 (Annexure-II), the competence of various officers to engage and approve the replies has been given. Therefore, in cases of land acquisition, all the correspondence shall be done with the concerned Administrator and in other cases with the concerned Estate Officer with a copy to LR, HUDA. The replies/appeals should be filed only after the approval of the competent authority as prescribed in these instructions or as amended by HUDA from time to time.

10. Use of email shall be mandatory for sending the draft reply, its approval, intimating the progress of the case and all other related matters. However, final signed reply alongwith attested copies etc. shall be sent after its approval through courier/messenger. Any change in email ID by HUDA shall be intimated to the counsels immediately.

11. The Counsels shall send his email ID to lrhuda@gmail.com as well as concerned Administrator/Estate Officer within three days of acceptance of these terms and conditions and any change in the email ID shall also be intimated to the counsels immediately by them.

12. If the counsel violates any term and condition of this engagement letter, besides forfeiting the counsel fees, his name may also be removed from the panel of HUDA by the Chief Administrator.

The above fee structure will be applicable to all the new and pending cases for payment of balance fees in respect of all counsels of HUDA except Shri Arun Walia and his juniors for whom separate fee structure has already been approved.

The fee structure shall be applicable only in respect of those advocates who send their acceptance of the terms and conditions mentioned in this communication in writing by 31.1.2008 to LR, HUDA (also to Chief Administrator, HUDA through E-mail at cahuda@gmail.com) Thereafter, we will circulate the names of those advocates whose acceptance has been received and who will be covered under these instructions. However, the revised fee structure shall be applicable for all cases which are allotted on or after 17.12.2007.

Please send the acknowledgement of this letter.

DA/Memo No.3179 dt. 28.5.07

(R.K. Bedi)
Legal Remembrancer,
for Chief Administrator, HUDA.