

**TERMS AND CONDITIONS FOR EMPANELMENT OF ADVOCATES TO REPRESENT UKRERA IN APPEALS BEFORE THE UTTARAKHAND REAL ESTATE APPELLATE TRIBUNAL**

**TERMS AND CONDITIONS FOR THE EMPANELMENT OF ADVOCATES**

Interested practicing advocates are advised to carefully read the eligibility criteria, instructions and terms & conditions for the empanelment which are as under :-

**1. Eligibility Criteria:**

- i) Applicant should have valid registration as an advocate with the Bar Council of India/State Bar Council.
- ii) Applicant must have a minimum experience of ten years in practice with adequate exposure of handling cases in High Court, Civil Court or District Court. Preference would be given to advocates having experience of handling cases before Hon'ble High Court and Appellate Tribunal with a fair knowledge of The Real Estate (Regulation & Development) Act, 2016.

**2. Tenure of Empanelment :**

The initial empanelment will be for a period of two years from the date of empanelment which can be extended for another period of one year based on performance. Mere application for empanelment does not confer any right/ assurance, whatsoever, to an applicant for empanelment on the panel of UK RERA.

**3. Scope of Services**

The empanelled advocates are expected to render professional services related to drafting the counter affidavit, supplementary counter affidavit, Delay condonation affidavit, and/or to contest the Appeal and plead the cases before the Uttarakhand Real Estate Appellate Tribunal.

**4. Procedure for Empanelment :**

- a. The applicant must apply on the format prescribed by UKRERA and no other format will be entertained.
- b. The empaneled advocate must submit a copy of this terms and conditions, duly signed and sealed at the time of submission of application towards confirmation of acceptance of these terms and conditions of empanelment.
- c. Any application received after the last date prescribed in the advertisement shall not be entertained.
- d. Only shortlisted applicants, who meet the Eligibility Criteria, shall be invited for personal interaction.
- e. Merely fulfilling the eligibility criteria will not confer any right on an applicant advocate to be called for interaction and to be empanelled.
- f. The decision of Authority, regarding the shortlisting and empanelment, shall be final.

- g. A list of shortlisted applicants and the date, time and venue of personal interaction will be uploaded on our website, i.e. [www.uhuda.uk.gov.in](http://www.uhuda.uk.gov.in) under RERA online link and will also be available in the Notice Board of Authority's office.
- h. Applicants are required to bring the original documents (as specified in the application form) at the time of interaction UKRERA reserves the right to verify the testimonials from the issuing authority and in case subsequently any of these documents is found forged or false, the empanelment shall be cancelled and that applicant shall be debarred from UKRERA for a period of five years.
- i. Letter to empanelled advocates will be issued by UKRERA separately.

## **5. Term of Reference (ToR):**

- i. The empaneled advocates shall not accept any case on behalf of the Promoters / Developers or any Allottee or Allottees Association for appearing before the Appellate Tribunal, Uttarakhand.
- ii. It would be entirely UKRERA's prerogative to engage any advocate of its own choice, from the list of empanelled advocates, as far as assignment of a particular case is concerned.
- iii. The intimation of assignment of a particular case would be sent through e-mail, by UKRERA, to the concerned empanelled advocate and after receiving the e-mail, it would be the responsibility of the concerned advocate to collect the copy of appeal & forward the same to UKRERA at the earliest.
- iv. The empaneled advocates must ensure timely presence before concerned Court in case any matter is required to be represented on behalf of UKRERA.
- v. Refusal to accept any assignment, by an empaneled advocate, without any reasonable cause (e.g. on grounds of conflict of interest), may lead to immediate termination of empanelment and in that case, UKRERA reserves the right to empanel any other shortlisted advocate in his/her place.
- vi. In order to ensure that there is effective check on the cases being conducted, the Advocate to whom a case is assigned must submit the status report of the case, like next date of hearing, order of the Court, immediately after the date of its pronouncement including submission of certified copies of orders.
- vii. If required, the advocates on the panel may be asked to render all assistance to a Senior Counsel engaged in a particular case before the Hon'ble High Court/ Hon'ble Supreme Court/ other judicial bodies.

## **6. Termination of Empanelment:**

UKRERA reserves the right to terminate the empanelment of an advocate in writing without assigning any reason. The empaneled advocate may also exit from the contract by serving written notice of at least one month in advance. Empanelment shall also be liable to be terminated in case of the following circumstances:

- (i) If any testimonial, submitted with the application is found to be fabricated or false.
- (ii) Failing to attend the hearings of the case without sufficient reason.
- (iii) Fails to discharge his obligation as stipulated in the Terms of Reference (ToRs).

**7. Fee Pattern:**

- (i) Fee shall be on lumpsum basis for each case assigned.
- (ii) No monthly retainership fee shall be paid.
- (iii) If the empanelled advocate is not agreeable to fee offered by UKRERA, then his / her empanelment shall be cancelled.

(Rabindra Panwar)

Chairperson

Uttarakhand Real Estate Regulatory Authority

5<sup>th</sup> Floor, Rajiv Gandhi Multipurpose Complex

Dispensary Road, Dehradun- 248001

Telephone:- 0135-2710348

APPLICATION NO. .... (To be filled by RERA)

**APPLICATION FORM FOR THE EMPANELMENT OF ADVOCATES FOR REPRESENTING UKRERA IN APPEALS BEFORE THE UTTARAKHAND REAL ESTATE APPELLATE TRIBUNAL**

(TO BE FIELD FILLED IN BY THE APPLICANT ADVOCATE/CONCERNED PARTNER)

To,

The Chairperson,  
Uttarakhand Real Estate Regulatory Authority  
5<sup>th</sup> Floor, Rajiv Gandhi Multipurpose Complex  
Dispensary Road, Dehradun- 248001  
**Telephone:- 0135-2710348**

**A. Firm Details (in case of individual Lawyers, leave blank)**

1	Name of Firm	
2	Date of Incorporation	
3	Legal Status of the Firm (Proprietorship/Partnership/LLP/Company etc.)	
4	Total Number of Partners in the Firm	
5	Name of all the Partners along with their Registration Number with Bar Council	

**B. Personal Details (In capital Letters):**

1	Name in FULL	
2	Father's/Husband's Name	
3	Date of Birth	
4	Nationality	
5	Address for correspondence with PIN and phone No.	
6	Permanent Address with PIN code and phone No.	
7	Address of office/chamber, if any, with PIN code and phone No.	
8	Mobile No & E-mail ID	

**C. Details of Educational Qualifications (Attach self-attested copy of testimonials) :**

1	2	3	4	5	6
Examinations Passed	Name of the Board/University	Class or Division	% of Marks	Subjects	Year of Passing
High School/or 10 <sup>th</sup> standard					
Intermediate/ or 12 <sup>th</sup> standard					
B.A/ B.Sc./ B.Com.					
LLB or BA. LLB/ BBA, LLB /B.Com, LLB					
MA/M.Sc./M.Com /MBA					
LLM					
Other Professional Exams					

**D. Experience certificates (Please Attach relevant Documents)**

1	2	3	4	5
Name of the Department/PSU/Statutory Body/ Autonomous Body	From	To	Work done	Remarks

**E. Whether the applicant is currently on the Panel of any other Government Department/PSU/Statutory Body/Autonomous Body etc. If yes, give the details below (Self-certified Copy of the Office Order/ Letter of empanelment may be attached)-**

1.	2	2	4
1	Name of the Department/PSU/Statutory body/Autonomous Body	Date and letter no./ order of Empanelment	Total Period of Empanelment (in years)

**F. If one or more advocates are associated as Juniors of the applicant, their details may be provided below:**

1	2	3	4	5
Sl. No	Name of the advocate	Phone number of the Junior	Enrolment no. with date	Experience (in years)

**G. Facilities available with the applicant (Please tick, if available) be mentioned as below:**

1	2	3	4	5
Sl. No.	Office space (in square feet)	Office Clerks(no.)	Steno(s)/typist (no.)	Other Support staff (no.)

**H. No. of cases relating to The Real Estate (Regulation & Development) Act 2016, if handled earlier:-(Documentary proof to be attached)**

1	2	3	4	5
Sl. No.	Name of Authority	Type of Case	On whose behalf conducted	Result of the case (Won/Lost)

**I. If the applicant has been engaged (through Vakalatnama) as Counsel in any Civil matter/Arbitration case? If yes, the particulars of the case with copy of the judgment wherein his/her name is recorded as Counsel for one of the parties (Copy of order/judgment be attached as proof):-**

1	2	3
Name of the Court	Case Title & No.	Nature and gist of Judgment

**J. Whether Income Tax return filed for the last three years- Yes/No (If yes, attach the copies of the ITRs.)**

**K. Details of Bank Account/Aadhar Number etc. be provided below:-**

1	2	3	4
Bank Account Details: Name of Bank, Account Number, Address of the Branch and IFSC Code)	PAN number (Self-Attested copy to be enclosed)	Aadhar Number (Self-Attested copy to be enclosed)	GST Registration Number, (if any) (Self-Attested copy to be enclosed)

**L. Whether any proceeding has ever been commenced or is continuing before the Disciplinary Committee of the Bar Council for alleged professional misconduct against the applicant:-**

1	2	3
Sl. No.	Details of allegations/Proceedings	Findings made by the bar council

**M. Whether any criminal complaint has ever been filed or FIR registered or any criminal proceeding has ever commenced against the applicant advocate:-**

1	2	3
Sl. No.	Details of allegations/ FIR / Proceedings & FIR No./ Complaint Case No. etc.	Finding made by the Court

Any additional professional qualification(s), which will further the candidature, including membership of professional bodies/ societies, awards and honours etc. may be listed in the box below (Documentary proof to be attached):

**Self Declaration:**

- 1) I hereby confirm and declare that the information furnished in the application and in the attached Certificates is true/correct and complete to the best of my knowledge and belief. I have not concealed any relevant information. I am fully aware that if any of the information furnished by me is found to be false/ incorrect, my candidature for the empanelment will be treated as cancelled and I will be debarred from UKRERA for 5 years.
- 2) I also undertake to maintain absolute secrecy about the cases of UKRERA.
- 3) I also undertake to return all case files/records to UKRERA as and when required by UKRERA.
- 4) I do not have any such financial or other interest as is likely to affect prejudicially my functioning as an advocate of UKRERA.
- 5)

Place:  
Date:

Signature of Advocate  
Enrolment Number:  
Mobile Number: