

## **EXPRESSION OF INTEREST (EOI)**

### **Empanelment of Law Firms/Lawyers as Litigation Counsel in for Power Finance Corporation Limited**

Power Finance Corporation Limited (PFC), one of the Navratna PSUs and a leading Public Financial Institutions in Power Sector is engaged in promoting & financing Generation, Transmission and Distribution & Renewable Energy Power Projects in India.

PFC is in process of forming a revised Panel of Law Firms/ individual Lawyers for the purpose of engagement as Litigation Counsel (LC) on case to case basis, for the Projects funded by it and went into litigation or wherein PFC intends to take recovery action. LC will be engaged out of the empaneled Law Firms on rotation basis (in urgent matters) or as per the prevailing guidelines (in other matters).

#### **I- SCOPE OF WORK – LLC FOR LITIGATION:**

The LC shall be required to assist PFC for taking recovery action by enforcing the security in respect to Non-Performing Assets as per the following scope of work:

- a) Review and examination of the Financing and Security Documents executed in the concerned matters and suggest options available with the Lender(s) for speedy recovery and efficient enforcement action;
- b) Preparing road map for the steps to be taken for implementing the enforcement action and provide strategic advise/indicate the requirement of further approval or compliances required to be done regarding speedy recovery and efficient enforcement action;
- c) Attending meetings along with PFC & other lenders and the Borrower, as and when required with prior intimation;
- d) Preparation and finalization of all correspondence with the Borrower, other lender(s), related Government agencies, etc. in respect of the speedy recovery and efficient enforcement action;
- e) Preparation and finalization of all notices, letter(s)/replies to borrower, guarantors, mortgagors and pledgers etc. including issuing of legal notices under section 13 (2) and 13 (4) of the SARFAESI Act, or other applicable statutes;
- f) Drafting Plaints, Original Applications, Written Statements, Applications, Rejoinders, Claim Affidavits, Execution Petition, etc. which may be required in relation to proceedings in all courts/ forums including but not limited to DRTs, DRATs, High Courts etc.;
- g) Making appearances on each date and updating the same on every date to PFC, participating with PFC in meetings with Lenders, etc and all other activities related to the litigation proceedings;
- h) Participating with PFC in Negotiation meetings or any other process for out of court settlement.

Expression(s) of Interest (EOI) are invited from the Law Firms(s)/ individual Lawyer(s) having prescribed experience and proficiency with regard to the above

mentioned scope of work and in the relevant applicable laws including but not limited to commercial laws, corporate laws, banking laws, RDDB Act, SARFAESI Act, other statutes, Rules, Regulations, Govt. Guidelines relating to Infrastructure financing and enforcement of Security).

## **II- ELIGIBILITY CRITERIA FOR LITIGATION PANEL:**

### **A. For Law Firms:**

The following are the eligibility criteria for submission of EOI by the Law Firms for empanelment in PFC:

- 1) The Law Firm should be having established network and offices in the Country including an office at Delhi/NCR.
- 2) The Law Firm should have acted as a counsel for assisting Lender(s) in taking recovery/ enforcement action (DRT/SARFAESI) in at least 5 infrastructure projects including at least 1 power project funded under consortium and shall have performed/ in the process of performing the said scope mentioned for the Litigation Counsel.
- 3) The Law Firm should have completed operation for a minimum of 10 (Ten) years since its inception/ formation/ enrollment, in rendering services as Litigation Counsel in connection with recovery action related to infrastructure projects.
- 4) The Law Firm should be on the panel of at least 5 (five) Nationalized Banks/Financial Institutions and the name and address of the Banks/Institutions to be provided, along with letter/correspondence in proof of the same.
- 5) The Law Firm should have an average annual turnover of not less than Rs. 2.00 Crore (Rupees Two Crore only) for the past 3 (three) years (i.e. FY 2013-14, 2014-15 & 2015-16) and a certificate to this effect should be submitted from the Auditor of the Firm.

**However**, in case a firm is newly established but more than a year old and having at least 1 year audited account then relevant certificate for the turnover by the Auditor pertaining to the corresponding year can be provided certifying the same and thereafter for further 2 years. In case the law firm is not having 1 year of audited account, in that case if the said Law Firm has more than 4 partners and 20 associates working at Delhi Office it shall be exempted from the compliance of this condition till it completes one year of operation. However the Law Firm shall have to submit the required certificate regarding its turnover on completion of 1 year and thereafter for further 2 years. In case it does not fulfill the required criteria it shall not be considered for assigning the litigation work from PFC.

- 6) The Law Firm should have minimum 3 (Three) Partners and 10 (Ten) Associates as dedicated litigation team members at Delhi office and shall be submitting their names to PFC. Before assigning the work, the Law Firm shall have to give a declaration stating the names of 2(Two) Partners and 4(four) Associates having experience of assisting Lenders in taking recovery action in at least 2 infrastructure projects who shall be dedicated for the purpose of PFC and shall intimate any change(s) about the said team to PFC within 3(Three) working days.

### **B. For Individual Lawyers:**

The following are the eligibility criteria for submission of EOI by the Lawyers/ Advocates for empanelment in PFC:

- 1) The Lawyer should have established office in Delhi/NCR.
- 2) The Lawyer should have acted as a counsel for assisting Lenders in taking recovery/ enforcement action (DRT/SARFAESI) in at least 5(five) infrastructure projects including at least 1(one) power project funded under consortium and shall have performed/ in the process of performing the said scope mentioned for the Litigation Counsel.
- 3) The Lawyer should have completed a minimum of 10 (Ten) years since its enrollment, in rendering services as Litigation Counsel in connection with recovery action related to infrastructure projects.
- 4) The Lawyer should be on the panel of at least 5 (five) Nationalized Banks/ Financial Institutions and the name and address of the Banks/Institutions to be provided, along with letter/correspondence in proof of the same.
- 5) The Lawyer should have an average annual turnover of not less than Rs. 50 lacs (Rupees Fifty Lacs only) for the past 3 (three) years (i.e. FY 2013-14, 2014-15 & 2015-16) and the Income Tax Return to this effect should be submitted as proof of the same.
- 6) The Lawyer should have minimum Five Associates assisting him/her, who have experience of assisting Lenders in taking recovery action in at least 2 Infrastructure projects.

### **III- GENERAL INFORMATION:**

1. Law firms/ Lawyers interested to be considered for litigation panel shall have to submit its Application fulfilling the eligibility criteria for the panel. Further, the teams dedicated for litigation scope of work by Law Firms shall have different set of members in each team and cannot overlap.
2. Mere submission of Application and fulfilling of eligibility criteria does not entitle the Law Firm/ Lawyer for empanelment.
3. The bids received shall be evaluated based on the evaluation criteria (as enclosed herewith), IT returns, panels, required documents as submitted by the Law Firms/ Lawyers. Law Firms/ Lawyers having more experience/ resources/ logistics/ panels will get more weightage in the evaluation criteria.
4. PFC reserves the right to summarily reject the Applications at its sole discretion.
5. PFC reserves the right to summarily reject the Applications for any of the reasons (i) not submitted in the prescribed format or (ii) do not meet any of the eligibility criteria or (iii) not accompanied with requisite documents/information or (iv) incomplete in any respect, without assigning any reasons thereof.
6. PFC reserves the right to verify/cross check the information furnished/submitted by the Law Firm/ Lawyer.
7. The Law Firms/ Lawyers may send their presentations giving the background of their Law Firm/ practice areas, experience in handling Litigations related to recovery/ enforcement of security, names of the projects handled by them in soft copy as well as in hard copy in support of information to be furnished in their Application.
8. Empanelment of the Law Firm/ Lawyer will only make the Law Firm/ Lawyer eligible for receiving invitations by PFC on case to case basis as per its policy, for submission of its quote/bid for specific project named in the invitation.
9. Mere empanelment of the Law Firm/ Lawyer in PFC does not guarantee any award of work/ assignment by PFC.
10. PFC reserves the right to categorize the Law Firms/ Lawyers in different categories depending on its requirement and the profiles of the Law Firms/

Lawyers and no request shall be entertained from any Law Firm/ Lawyer to be part of any particular category.

11. PFC reserves the right to review any empaneled Law Firm/ Lawyer subsequently in case any Managing Partner moves/ leaves such Law Firm.
12. The Law Firms/ Lawyers already empaneled with PFC for litigation purpose shall also have to apply afresh to be considered for new empanelment. From the date the new panel of Law Firms/ Lawyers becomes effective, the existing panel of Law Firms/ Lawyers and their categorization shall become obsolete and ineffective.
13. The Law Firm/ Lawyer shall furnish any information as required by PFC regarding eligibility within 15 days of such demand including during the tenure of empanelment.
14. The Law Firm/ Lawyer shall accept and adhere to Anti-Fraud Policy of PFC available on the PFC Website (www.pfcindia.com) and shall immediately apprise PFC about any fraud or suspected fraud as soon as it comes to their notice.
15. Empanelment of the Law Firms/ Lawyers will be at the sole discretion of PFC.
16. PFC reserves the right to cancel/defer the entire process of empanelment of Law Firms/ Lawyers without any notice or assigning any reasons whatsoever.
17. The Law Firm/ Lawyer is expected to carry out its assignment with due diligence and in accordance with prevailing standards of legal profession. As the Law Firm's/ Lawyer's liability to PFC will be governed by the applicable law, the Expression of Interest need not deal with this matter. PFC may, however, prescribe other liabilities depending on the requirement in each case without any restriction on the Law Firm's/ Lawyer's liability as per the applicable law.

#### **HOW TO APPLY:**

Interested and eligible Law Firms/ Lawyers may submit their Application Form for the litigation panel in the prescribed format (enclosed hereto) with complete information along with Certificate of Acceptance of all terms and conditions (enclosed hereto as Annexure I).

Certificates to be submitted along with the Application from the Managing Partner of the Law Firm/ Lawyer certifying that:

1. The Law Firm/ Lawyer meets all the above criteria at II (Eligibility Criteria), along with the profiles of the Partner, Sr. Associates and other team members clearly specifying the names of the projects handled.
2. The Law Firm/ Lawyer has not been blacklisted due to deficiency of services by any of the Banks/ Financial Institutions.
3. The Law Firm/ Lawyer accepts the Anti-Fraud Policy of PFC (enclosed herewith as Annexure II).

The Application Form duly filled in, along with all supporting documents/information should be submitted in a closed envelope superscribing as "**Expression of Interest (EOI) for Empanelment of Law Firms/ Lawyers in PFC as LLC for Litigation**" to PFC at its following address:

To,

General Manager (Documentation)

POWER FINANCE CORPORATION LIMITED

(A Govt. of India Undertaking)

Urjanidhi, 1, Barakhamba Lane,

Connaught Place,

New Delhi-110001

The last date of submission Application Form is 13<sup>th</sup> January 2017 till 04:00 PM. Application received thereafter whether by post/courier or by hand delivery or otherwise will not be entertained.

## FORMAT

### Application Form for the Litigation Panel by Law Firms

To

.....New Delhi –

1. Name of the Law Firm:
2. Year of Establishment/Formation of the Law Firm/Date of Enrolment of the Partner with Bar:  
(With documentary evidence/proof)
  - (i) *In case of Company, a certified copy of the certificate of incorporation.*
  - (ii) *In case of Partnership Firm, a certificate from CA certifying the date of registration along with a certified copy of the Partnership Deed.*
3. Total No. of years of Experience of the Law Firm:
4. Address Details:
5. Contact No. of the Authorised person and Email Id.:
6. Name(s) of the Managing Partner(s):
7. No. of Litigation cases for infrastructure projects handled with names of the Projects:  
*(A separate list mentioning the names of the Projects to be attached along with the name of the Lead Lender/Sole Lender)*
8. No. of Litigation cases for power sector projects handled with names of the Projects:  
*(A separate list mentioning the names of the Projects to be attached along with the name of the Lead Lender/Sole Lender)*
9. Name(s) of the Banks/FIs where the Law Firm is empanelled:  
(submit proof)
10. Annual Turnover for past three financial years:  
(FY13-14, 14-15 & 15-16)  
*(To be supported by a certificate from the Auditor of the Firm)*
11. Names & Experience details/Profiles of the Partner & other team members:  
*(To be associated with litigation matters)*
  - (i) Partner
  - (ii) Sr. Associate(s)
  - (iii) Associate(s)
12. No. of Litigation cases for infrastructure projects including Power Projects handled by Partner to be associated with litigation matters:

*(A separate list mentioning the names of the Projects to be attached)*

Sl. No.	Name of the Projects / details	Name of Partners associated with the Project

13. No. of Litigation cases for infrastructure projects including Power Projects handled by Sr. Associates/Associates to be associated with litigation matters:  
*(A separate list mentioning the names of the Projects to be attached)*

Sl. No.	Name of the Projects / details	Name of Sr. Associates/ Associates associated with the Project

14. Details of Following:  
(i) Service Tax No.:  
(ii) PAN:

**Declaration:**

I hereby declare that I have verified the details indicated above and also confirm that all the information submitted is true to the best of my knowledge.

(Signature \_\_\_\_\_)  
Name: \_\_\_\_\_)  
(Managing Partner)  
(With seal)

## FORMAT

### Application Form for the Litigation Panel by Lawyers

To

.....New Delhi –

1. Name of the Lawyer:
2. Date of Enrolment of the Lawyer with Bar:  
(With documentary evidence/proof)
  - (i) *A certified copy of the enrolment certificate*
3. Total No. of years of Experience of the Lawyer:
4. Address Details:
5. Contact No. of the Authorised person and Email Id.:
6. Name(s) of the Lawyer(s)/ Associates:
7. No. of Litigation cases for infrastructure projects handled with names of the Projects:  
*(A separate list mentioning the names of the Projects to be attached along with the name of the Lead Lender/Sole Lender)*
8. No. of Litigation cases for power sector projects handled with names of the Projects:  
*(A separate list mentioning the names of the Projects to be attached along with the name of the Lead Lender/Sole Lender)*
9. Name(s) of the Banks/FIs where the Lawyer is empanelled:  
(submit proof)
10. Annual Turnover for past three financial years:  
(FY13-14, 14-15 & 15-16)  
*(To be supported by the Income Tax Return)*
11. Names & Experience details/Profiles of the Lawyer & other associates:  
*(To be associated with litigation matters)*
  - (i) Lawyer
  - (ii) Sr. Associate(s)
  - (iii) Associate(s)
12. No. of Litigation cases for infrastructure projects including Power Projects handled by Lawyer to be associated with litigation matters:  
*(A separate list mentioning the names of the Projects to be attached)*

Sl. No.	Name of the Projects /	Name of Lawyer
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	details	associated with the Project

13. No. of Litigation cases for infrastructure projects including Power Projects handled by Sr. Associates/Associates to be associated with litigation matters:  
*(A separate list mentioning the names of the Projects to be attached)*

Sl. No.	Name of the Projects / details	Name of Sr. Associates/ Associates associated with the Project

14. Details of Following:

- (i) Service Tax No.: *(if applicable)*
- (ii) PAN:

**Declaration:**

I hereby declare that I have verified the details indicated above and also confirm that all the information submitted is true to the best of my knowledge.

(Signature \_\_\_\_\_)  
Name: \_\_\_\_\_)  
(Lawyer)  
(With stamp)

**ANNEXURE I**

Certificate regarding Acceptance of all Terms and Conditions

To  
General Manager (Documentation)  
POWER FINANCE CORPORATION LIMITED  
(A Govt. of India Undertaking)  
Urjanidhi, 1, Barakhamba Lane,  
Connaught Place,  
New Delhi-110001

**Dear Sir,**

01. We hereby propose to provide our professional services for Power Finance Corporation Ltd. (PFC) as outlined in your Expression of Interest.

We have understood the instructions, Eligibility Criteria and the terms and conditions mentioned in the Expression of Interest furnished by you and have thoroughly examined the detailed scope of work laid down by you and are fully aware of nature and scope of work required.

We hereby confirm our acceptance and compliance to the provisions and terms and conditions contained in the Expression of Interest.

We confirm that the work will be executed strictly in accordance with the requirement.

02. We certify that all the information provided in our Application, including the information regarding the team members, is true. We understand that any misstatement in the Application (even if found later) may lead to disqualification or removal from the Panel of Law Firms/ Lawyers. We also understand that in such a case we may be debarred for future assignments with PFC for a period of maximum three years from the date of such disqualification.

Yours truly,

Date.....

Signature.....

Place.....

Name.....

Designation.....

**ANNEXURE II**  
Acceptance of 'Anti-Fraud Policy'

**Name of Law Firm/ Lawyer**

To  
General Manager (Documentation)  
POWER FINANCE CORPORATION LIMITED  
(A Govt. of India Undertaking)  
Urjanidhi, 1, Barakhamba Lane,  
Connaught Place,  
New Delhi-110001

**Dear Sir,**

We have read the contents of the Fraud Prevention Policy of PFC (available at website [www.pfcindia.com](http://www.pfcindia.com)) of Bid Proposal Schedule (BPS) Section IV and undertake that we along with our associates shall strictly abide by the provisions of the Fraud Prevention policy of PFC.

Yours faithfully,

Signature.....

Name.....

**Managing Partner/ Lawyer**  
(With Seal/ Stamp)

Date:

Place: