



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय)

National Highways Authority of India

(Ministry of Road Transport and Highways)

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No.11041/217/2007-Admn.

01.4.2013

POLICY MATTERS – ADMINISTRATION / FINANCE (110/2013)

(Decision taken on File No. NHAI/Legal/Misc.08/2013)

Subject: Guidelines for seeking Expert Legal Opinion from Law/ Firms/ Counsels/ SG/ASGI

NHAI has been utilizing the services of various Law Firms/Advocates for the purposes of contesting cases in Court of Law as well as obtaining expert legal opinions on various issues/queries. It has, of late, been observed, that legal issues on which opinions/advice is intended to be sought from Law Firms/Advocates lack in quality and don't address all the issues/queries raised. The opinion/advice so obtained has been found to be general in nature without making any references to specific court judgment/citation etc. It has also been observed that the legal issues encompassing the pros & cons of the case were also not reflected in the opinion and action to be taken have been left entirely upon NHAI, with the result the opinion/advice became nugatory.

2. In this context, attention is drawn towards the Policy Circular No.11041/217/2007-Admn. dated 30.07.2009 whereby all PIUs, divisions, CMUs and all officers at HQ were directed that legal opinions/advice must not be sought directly from the Law Firms/Advocates but only through the Legal & Arbn. Cell. In spite of clear-cut instructions in the above said circulars, it has been observed that some of the PIUs/CMUs have obtained expert legal opinion directly from the Law Firm/Counsel which has created confusion due to equivocal views.

3. Keeping in view the poor quality of legal opinion tendered by some of the Law Firms/Advocates, it has been decided by Competent Authority that henceforth, legal opinion must only be obtained from or through the Legal & Arbn. Cell for which all queries and issues which are of complex nature are to be clearly brought out upon which the opinion is intended to be sought. The Legal Cell would also be able to check whether similar opinion has been sought earlier.

4. The opinion on routine and general matters must be avoided specifically. In a particular case due to urgency of the matter, approval of respective Member would be essential before legal opinion is sought from a Law Firm.

5. In case, the opinion is intended to be sought on any issue/query, the PIUs/CMUs and concerned Technical Divisions at HQ must prepare a brief encompassing all the issues/queries upon which legal opinion/advice is to be sought and also annex photocopies of all relevant documents so that the issue/query are appreciated in proper perspective and qualitative opinion is tendered addressing

the issue/query by citing judgments/decisions of Apex Courts in favour of or against the issues, with clear-cut advice for action to be taken by NHA.

6. The above instructions must be complied with scrupulously failing which appropriate/disciplinary action against the erring officers will be taken.

7. This issues with the approval of Competent Authority.

4
01/04

(V.K.Sharma)
Chief General Manager (Coord./LA)

To,

All officers and employees of HQ/ROs/PIUs/CMUs/Site Offices