

भारतीय राष्ट्रीय राजमार्ग प्राधिकरण  
(सड़क परिवहन और राजमार्ग मंत्रालय)  
**National Highways Authority of India**  
(Ministry of Road Transport & Highways)  
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No. 11041/21/2002-Admn.-III

01<sup>st</sup> March, 2004

**POLICY MATTERS-ADMINISTRATION/FINANCE (76/2004)**  
(Decision taken on DM Division File No. NHAI/19011/1/97-PI/LA)

**Sub: Payment of Legal Charges**


Kindly refer to Policy Circular (50/2003) of even number dated June 30, 2003 vide which the procedure for engagement of legal firms/advocates was prescribed. Various queries received in this regard have been examined and it has been decided to issue consolidated guidelines covering all the procedure for engagement of legal firms and payment of fees thereof as under:

- (i) Project Directors may engage advocates/law firms with atleast 10 years of experience in the relevant field for dealing with the cases of routine nature such as land acquisition etc. While doing so, Project Directors should rotate the cases among a few advocates instead of entrusting cases to only one.
- (ii) Payment may be made by the PIUs to the legal firms/advocates for defending the legal cases or for obtaining legal opinion/advise, as per the schedule of rates prescribed as per annexure. There is no need to make any reference to HQs in this regard.
- (iii) Where any legal action is proposed to be initiated, prior approval of the Competent Authority **must** be obtained for such action. Once the action is approved by the Competent Authority the payments thereafter may be made by the PIUs as per the guidelines prescribed at (ii) above.
- (iv) At headquarters, the concerned division may engage law firms having atleast 10 years experience in dealing with similar cases of Central/State Govt. organizations/PSUs.
- (v) In case Divisional Heads/Project Directors feel that there is a need for engaging senior counsel/law firm at a rate higher than what has been prescribed in the schedule, prior approval of the Competent Authority specifying the amount payable/terms of payment must be obtained.
- (vi) Wherever the payments are to be made in excess of the scheduled rates, prior approval of the Competent Authority (HQ) for payment of such fee shall be obtained in each case.
- (vii) At HQ before putting up payment proposals, it should be ensured by the concerned division that sanction of Competent Authority is taken for payment in excess of what is mentioned in the schedule.

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2. This supercedes all the guidelines issued so far covering the above aspects.
3. This issues with the approval of Competent Authority.

  
1/2/09  
(V. K. Sharma)  
General Manager(Admn.)

All officers at Headquarters  
All PIUs/CMUs/SPVs

Copy for information to:

PS to Chairman  
Director (Audit), RAP, NHAI  
Internal Audit

**APPROVED SCHEDULE OF LEGAL FEE**

<b>S.No.</b>	<b>Legal Issues</b>	<b>Schedule of fees in Rupees</b>
1.	Appearance in High Court for writs, civil or criminal revisions/appeals etc.	1500/- per case per appearance
2.	Appearance in City Civil Court/Session Courts/Consumer Courts, Appellate Tribunals	900/- per case per appearance
3.	Appearance in Small Cases	700/- per case per appearance
4.	Appearance before other Authorities/Tribunals/EO/Labour Court except arbitrators	1000/- per case per appearance
5.	Appearance before arbitrators	1250/- per case per appearance (only for counsel of 15 years experience, not for juniors)
6.	Consultation/Conference a) In the office of counsel b) Any other place c) Site inspection	350/- per hour } Plus 500/- per hour } Conveyance 750/- per hour }
7.	Drafting replies, Rejoinders/Affidavits for Courts/Tribunals/Authorities/Arbitrators, Filing of Civil Suit/Recovery Suits	As per the work involved. Normally should be around 2500/- per document; Maximum limit 7500/-
8.	Legal opinion	Rs. 1500/-
9.	Issuing Notices in civil/criminal/labour/arbitration/E.O. matters and replies	750/- per notice
10.	Conveyancing/legal vetting of draft agreements for cases where standard agreements are not available	As per work involved. Normally should be Rs. 2,000/- per agreement; Maximum limit Rs. 10,000/-

**CONDITIONS :**

- a) Whenever a Senior Counsel is to be engaged, his charges shall be payable separately, including for conference, drafting, appearance etc. directly to the Counsel. Approval of competent authority to be obtained specifying the amount payable/terms of payment.
- b) Whenever cases are filed in one and the same Court and if there are more than one case on one day in the same court in same session, charges for appearance will be full rates for the first case and 50% for the remaining cases.
- c) Conveyance charges shall be as per actuals.
- d) All out of pocket expenses shall be extra.
- e) Adjournment charges of Rs. 500/- will be charged only when the Court does not sit in Civil Court. In Criminal Courts, fees are chargeable in full rates.