



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय)

National Highways Authority of India

(Ministry of Road Transport and Highways)

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7.1

LA Legal

Policy on Bundles

Clubbing of legal
LA legal cases

Adm

No.11041/217/2007-Admn.

Dated: 04.09.2014

Policy Matters: Administration/Finance (142/2014)

(Decision taken in the 204th E.C. Meeting held on 07.08.2014 vide Agenda Item No. 204.10)

1. Certain doubts have arisen about 'bunch matter' and clubbing of land acquisition matters. Alterations are being made to the Circular No.NHAI/Legal/Misc./1/2012 dated 24th January, 2012 in respect of definition of 'bunch matter'. Additionally, application of clubbing in bunch matters with regards to Fees payable for appearance and drafting, etc as per Clause 10 & Clause 3 of the 'Schedule of Legal Fee' read with Sl. No.-4 of "Notes" annexed with the Circular No. 11041/217/2007-Admn dated 04.06.2014 for land acquisition matters is sought to be made clear through this Circular and Annexure-I enclosed herewith.

(i) All matters filed before an Arbitrator under section 3G (5) of the NH Act, 1956, arising from the same award of CALA pertaining to the same village shall be treated as "bunch matter". Similarly, all appeals in the District Court arising from the same award of an Arbitrator pertaining to the same village shall be treated as "bunch matters".

However, if after examination of draft reply / draft written statement/ draft counter affidavit/ draft rejoinder etc. by PD concerned, it is felt that there is any substantial material change in the said reply / written statement/ counter affidavit/ rejoinder etc. in comparison to other matters being heard against one particular award pertaining to the same village, a proposal for excluding the same from "bunch matters" shall be submitted by PD to RO concerned. Only on approval of the proposal by the Regional Officer concerned, the same shall be considered as excluded from the 'bunch matter'.

2. Clubbing :

(i) Case numbers which are heard in the same hearings shall be treated as clubbed cases.

(ii) The case numbers which are mentioned in the Cause List of a particular date of hearing before an Authority (Arbitrator or District Court), shall be considered to be heard in the 'same hearing' mentioned in Sl.No.(i) above.

(iii) The Project Director(PD) shall arrange to club all bunch matter cases for which applications/petitions have been filed before the Arbitrator / District Court within a period of six months from the date of a particular award by CALA / Arbitrator. All bunch matter cases arising from applications filed after the said period of six months and within a subsequent period of six months shall be similarly arranged to be clubbed by PD, if the cases are not already clubbed by the Arbitrator. The process of clubbing bunch matter cases in every six monthly periods shall be continued by PD.

3. Fees Payable:

(i) Fees Chargeable for Appearance:

Case numbers which pertain to a bunch matter and which are clubbed, shall be treated as a single case for the purpose of 'Appearance' mentioned in Clause 10(i) and Clause 3(ii) of the 'Schedule of Legal Fee' annexed with the Circular No. 11041/217/2007-

Admn dated 04.06.2014. Please refer to the Illustrations under 'Fees for Appearance' mentioned in Annexure-I enclosed with this Circular, for clarity in understanding.

(ii) Fees Chargeable for Drafting, etc.:

The Fees Chargeable for Drafting, etc., as per Clause 10(ii) and 3(ii) of the 'Schedule of Legal Fee' annexed with the Circular No. 11041/217/2007-Admn dated 04.06.2014 shall be applicable to bunch matters irrespective of the time when a bunch matter case / case number was filed before the Authority (Arbitrator or District Court). Clubbing of bunch matter cases/case numbers shall not be a relevant consideration for calculating the fees chargeable for Drafting, etc., as per Clause 10(ii) and 3(ii) of the 'Schedule of Legal Fee' annexed with the Circular No. 11041/217/2007-Admn dated 04.06.2014. The Sl.No.(4) of 'Notes' under the 'Schedule of Legal Fees' of the said circular shall be applicable in respect of Drafting Charges, etc. payable as per the said Clause 10(ii) and Clause 3(ii). It has been stated in said Sl. No.(4) of 'Notes' under the 'Schedule of Legal Fees' that:

'Where the cases are filed in one and the same Court or any Authority and matters are similar (not materially different) which are heard as bunch matters and pleadings like filing of reply, counter affidavits, rejoinders, written statements etc, are also similar, then for first three cases, the payment may be made full as per the captioned Policy Circular's schedule and 50% upto 10 cases and thereafter, 10% for rest of the cases'.

4. Reference may be made to the Illustration under 'Fees for Drafting of petition/reply/rejoinder/affidavit/interim application/reply to interim application/ additional affidavit/rejoinder to the application etc', mentioned in Annexure-I enclosed with this Circular, for clarity in understanding.
5. The concept of bunch matter in land acquisition cases shall not be applicable for appeals in the High Court / Supreme Court. However, Sl.No.4 of 'Notes' of the Circular No. 11041/217/2007-Admn dated 04.06.2014 {Policy Matters: Administration/ Finance (140/2014)} shall still be applicable for calculating drafting charges for LA cases before the Supreme Court or High Court if the matters are similar (not materially different) and pleadings like filling of reply, counter affidavits, rejoinders, written statements etc, are also similar, even though the said cases do not fall within the bunch matters defined in this Circular.
6. RO shall shortlist a group of Advocates for LA cases after obtaining a recommendation from PD. The cases should be rotated amongst the said short listed Advocates.
7. It is important that before making payments, PDs must insist on daily order sheets/internal orders of the judicial officers on their files indicating the presence of advocates and summary of days' proceedings.
8. Sl.No.7 of 'Notes' in the Circular No. 11041/217/2007-Admn dated 04.06.2014 provides for charges payable to an Advocate for adjournment. Further to the said Sl.No.7 of 'Notes', it is being stated that no payment shall be made for an adjournment if the same is not at the behest of the concerned PD, NHAI. If for some reasons adjournments have been sought by our Advocates and they claim payment for that day, then it should be made only on the written orders of PD explaining the reasons why adjournments had to be sought.
9. It is clarified that Sl.No.4 of 'Notes' in the Circular No. 11041/217/2007-Admn dated 04.06.2014 is for drafting purposes only.
10. Regional Officers shall carryout a review of the implementation of the provisions of this circular and the Circular No. 11041/217/2007-Admn dated 04.06.2014 twice a year in the first week of April and first week of October for the periods September to March and

April to September respectively for LA matter cases to ensure that the guidelines are being observed. A check-list for the purpose is enclosed as Annexure-II.

11. In case any alteration is made in the charges for Appearance or Drafting, etc., in regard to the Clause 10 or Clause 3 of the 'Schedule of Legal Fee' annexed with the Circular No. 11041/217/2007-Admn dated 04.06.2014, the same shall apply mutatis mutandis to this Circular.

12. This issues with the approval of Competent Authority.

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05/09

(V.K. Sharma)

Chief General Manager (LA & Coord.)

To

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