

Government of India
Ministry of Corporate Affairs
SERIOUS FRAUD INVESTIGATION OFFICE
2nd Floor, Pt. Deendayal Antyodaya Bhawan, B-3 Wing, CGO Complex
Lodhi Road, New Delhi-110003

NO. SFIO/PROS./0358/2021-PROS AND LEGAL

NOTICE FOR EMPANELMENT OF LAW FIRMS

Serious Fraud Investigation Office (SFIO) invites application for eligible Law firms for empanelment to take up assignments relating to drafting criminal complaints, pleadings, petitions, legal research reports/ briefing notes etc. in complex cases. These Law Firms with adequate resources, shall assist SFIO in drafting complex petitions/ applications as well as undertaking legal research work and in briefing the Prosecutors/ Sr. Prosecutors/ Central Govt. Panel Counsels, etc. in connection with investigations under the provisions of Companies Act, 2013. The detailed guidelines for empanelment of professional Law Firms are available on the website www.s fio.nic.in/ www.mca.gov.in. interested and eligible law Firms may send their applications in the prescribed form, complete in all respects, along with all supporting documents as stated in the application form to the Director, Serious Fraud Investigation Office, 2nd Floor, Pt. Deendayal Antyodaya Bhawan, B-3 Wing, CGO Complex, Lodhi Road, New Delhi- 110003 as well as through **Email/ Prosecution-sfio@s fio.nic.in within 30 days from the date of publication of this advertisement.**

Additional Director (Admn.)

Framework for empanelment of law firms

Law firm may be empanelled to provide support during the investigation (assessing evidence and providing legal assistance) and prosecution (timely filing of complaints, replies, rejoinders, etc., monitoring of court cases and research on various legal aspects). The Allocation of assignment to empanelled firms would be on a selective basis depending upon the two factors- complexity of the case and number of the companies involved.

Modalities for availing services:

Modalities will include but, not be limited to the following:

1. Assisting in investigating team during the process of Investigation:
2. Providing legal help during the draft report stage:
3. Perusing the investigation report along with its annexures to draft the criminal complaints / Pleadings in relation to the same to be filed in various courts:
4. Drafting petitions, replies, rejoinders etc. to be filed before the Hon`ble Supreme court, High court, District Courts, Trial Courts, NCLT'S & Professional Institutions like ICAL, ICSI, NFRA e.tc or any other court/ Institution:
5. Preparing research notes/ briefing notes, briefing of counsels:
6. Rendering legal opinion on various issues in the drafting of the complaints, for briefing and consultation purpose, at a short notice. Any failure on this count will be treated as failure in the rendering service by the firm.
7. The Law firm have to file the cases in appropriate court of law or concern authority and follow up the cases.
8. Assist the Prosecutor/ Sr. Prosecutor (who is in-charge of the case) along with engaged Govt. Panel Counsel.

Eligibility Criteria for empanelment:

- i. The Law firm should have been in practice in the field of Company law, criminal law (particularly in fiscal offences) for at least 7 years.
- ii. The Average income from professional fee as shown in the return of the law firm, for the last 3 years should be Rs 25 Crores or more.
- iii. Preference will be given to law firms having experience and exposure of having cases related to the Company Law and criminal law.
- iv.

The above criteria are only for reference purposes. The final decision in this regard will however, be taken at the time of issue of advertisement for invitation of application for empanelment.

3. Procedure for empanelment of Law Firms

- i. Applications from willing law firms would be invited through advertisement published in Hindi/English in popular newspapers, and on the official website of SFIO and MCA. The format of application is enclosed as **Annexure – IV(a)**.

- ii. The empanelment of the law firms shall be finalized by the CEC on the basis of its location, comparative assessment of applications received, and interaction with the partners. The decision of the CEC shall be binding on all concerned.
- iii. The CEC will reserve the right to accept or reject any or all the applications without assigning any reason.
- iv. The recommendations of the CEC will be submitted to the Ministry for approval
- v. The engagement shall be liable to be cancelled by SFIO at any stage without assigning any reason therefore. If a firm is desirous of terminating the engagement with SFIO they may do so by serving a prior notice of 30 days.

4. Validity period of empaneled Firms

The panel of Lawyers/ Law firms will be valid for a period of three (03) years. The period can be extended further for a period of two (02) years subject to the satisfactory performance, to be assessed by the Performance Appraisal Committee.

5. Disqualification

A law firm shall not be eligible for empanelment if there is any conflict of interest or if the Firm or any partner of the firm, in discharge of his/ her work, has been debarred by Bar Council or disqualified by any other regulatory authority/Court or there are criminal or disciplinary proceedings pending before any authority/Court against any partner of the firm or the firm including any adverse finding observed by SFIO during the course of investigation. The firm will be required to furnish an Undertaking in the prescribed format as at **Annexure-IV(b)**.

6. Payment of Fees

The work would be assigned to a firm on the panel depending on its expertise/experience in handling cases of similar nature. The fee for an assignment would be decided by the Performance Appraisal Committee depending upon the complexity of the work assigned.

7. Disputes

In case of any dispute, Director, SFIO will be the final authority, whose decision will be binding. Dispute, if any, in relation to the terms of reference will be restricted to the Court of appropriate jurisdiction at Delhi.

8. Other Requirements

The law firm, upon assignment of work, will be required to enter into a contract which would, apart from other terms and conditions also include confidentiality clause as well as clause to protect disclosure/ utilization of information/ processes/ data etc. collected/obtained during the engagement. A declaration of Fidelity & Secrecy (by all concerned) has to be signed by the empanelled firm. Without prejudice and in addition to the legal remedies available to the Serious Fraud Investigation Office, the breach of contract shall be considered a sufficient ground for termination of the contract and initiation of other proceedings thereof as per applicable law.

Application Form

S. No.	PARTICULARS	DETAILS
1.	Name of the Firm, full address, Contact No./ Email	
2.	Bar Council Registration Number	
3.	Constitution of the Firm (Number of Partners/Lawyers)	
4.	PAN/TAN No. (Attach supporting documents)	
5.	Date from which the firms is in legal Practice	
6.	Total amount of professional receipts for the last 3 years: -2018-19 -2019-20 -2021-22 (Attach supporting documents)	
7.	Taxable Income for the last 3 year: -2018-19 -2019-20 -2021-22 (Attach supporting documents)	
8.	Educational Qualifications & Profile of partners: (As per Attached format)	
9	Educational Qualifications & Profile of Lawyers/ Advocates who are employees (As per Attached format)	
10	Details of empanelment, if any, with Government, PSU, Regulators, Law Enforcement Agencies, if any (As per Attached format)	
11	Assignment by Govt. Agencies (As per Attached format)	
12.	Details of prominent cases related to company law handled by the law firm.	

FORMAT FOR EDUCATIONAL QUALIFICATION & PROFILE

Name	Age	Designation	Educational Qualifications with supporting documents	Total Experience in years with supporting documents	Details of prominent cases handled in Company Law (May attach details separately)

DETAIL OF ASSIGNMENTS UNDERTAKEN BY LAW FIRM/ PARTNERS

Sr. No.	Assignments	Agency which assigned the work (Viz. Govt. Agencies, PSU, Regulators)	Duration of Assignment	Whether completed the assignment or Not?	Details of Outcome

UNDERTAKING**(On Non-Judicial Stamp Paper of Rs. 50)**

We, the following partners ofhereby jointly and severally verify and declare:

- i. That the particulars given above are correct and further recognize that if any of the statements made therein or the information so furnished in the application form is not correct or false or suppression of material information will not only disqualify the firm from empanelment but also make us liable for such legal action as may be deemed appropriate by SFIO.
- ii. That the firm or any partner of the firm in discharge of his/ her work has neither been debarred by Bar Counsel nor been disqualified by any other Regulatory Body/ Court and no such proceedings are in progress.
- iii. That no criminal proceedings have been instituted against the firm or any of its partner in any Court in India.

**TO BE SIGNED BY THE LAWYER/ ALL
THE PARTNERS OF THE FIRM
OR**

(Authorized Signatory on behalf of the firm)