

OFFICE NOTE FOR ORDERS

FROM: LEGAL SECTION CANARA BANK, CIRCLE OFFICE, DELHI	TO: THE CHIEF GENERAL MANAGER CIRCLE HEAD CIRCLE OFFICE DELHI
REF : CODEL/LAW/ADV FEE/PS/2022	DATE : 07.06.2022

**SUB - SCHEDULE OF FEE TO BE PAID TO PANEL ADVOCATES, SENIOR ADVOCATES REGARDING
VARIOUS LEGAL CHARGES**

We observe that currently we are following old sectional circular dated 28.08.2008 for payment of professional fee to our advocates for representing our bank before various courts and forums. Said circular is very old and obsolete in the current scenario as it provides only for payment of fee with respect to recovery cases filed by the bank. Now, considering the current scenario where the scope of litigation is extended to a far extent and branches are experiencing various litigations other than the recovery matters. In present scenario there are various claims/reliefs sought against the bank which requires professional guidance for safeguarding the interests of the bank. Our present Sectional Circular does not provides for the quantum of fees in such matters. Moreover there are frequent queries from the branches regarding schedule for payment of advocate fee and various legal charges.

As per HO Cir 164/2020, R & L Section, Circle Office shall evolve a schedule of fee payable to Advocates for filing suits before various Courts/ Tribunals, keeping in mind the fee schedule prescribed by the High Court within whose jurisdiction the Circle Office is functioning, with the permission of Circle Head. Such schedule of fees shall be circulated among all Branches coming under the Circle Office, through the respective Regional Offices. A copy of the said schedule shall be forwarded to Legal Section, RL & FP Wing Head Office, for records.

In this regard we have reviewed the advocate fee payable in different Courts/Tribunals/Forum under jurisdiction of Delhi Circle Office and we furnish here below the raised and consolidated guidelines with regard to payment of Advocate's bills which is in supersession of all the earlier sectional circulars issued by our section in this regards.

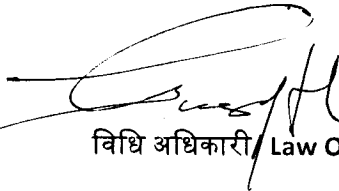
Bills where fees claimed by the advocate is within the approved limit/as per the Schedule of fee as attached herewith, branches may pay fee to the advocates at their end without any prior approval from R & L Section of Regional Office or Circle Office. Details of fee to be paid are mentioned in Schedule to this office note.


Advocate fee schedule for DRT matters is already given in HO Cir 164/2020 dated 24.03.2020 and same is to be followed. Further, branches shall follow HO Circular no. 55/2021 dated 30.01.2021 while making fee payment to Advocates.

Wherever complicated matters are involved and the advocates demand higher fee over and fee claimed is beyond the prescribed fee schedule or services of senior advocate is required, the professional fee is to be fixed and permission to be obtained from Legal Section, Circle Office, Delhi or Legal Section Head Office (if beyond Circle Head Power) through Legal Section, Circle Office.

In view of the above, we may be permitted to revise the old sectional circular regarding payment of Advocate fee.

As per HO Cir 164/2020, Circle Head is empowered to give permission to the evolved schedule for fee payable to the Advocate.

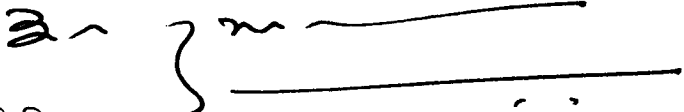

विधि अधिकारी / Law Officer


वरि. प्रबंधक (विधि) / Sr. Manager (Law)

आदेशार्थ विचार प्रस्तुत / SUBMITTED FOR VIEWS OR ORDERS



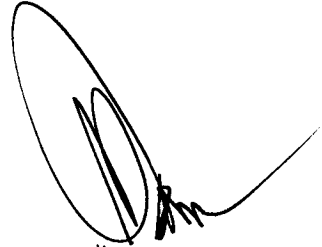
सहायक महाप्रबंधक के विचार / VIEWS OF THE ASSISTANT GENERAL MANAGER



उपमहाप्रबंधक के विचार / VIEWS OF THE DEPUTY GENERAL MANAGER

विचार / आदेश
VIEWS/ORDERS

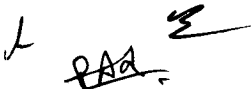

महाप्रबंधक / GENERAL MANAGER


अंचल प्रमुख / CIRCLE HEAD

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Branches are advised to negotiate the fee payable to the advocates to barest minimum in each case within in prescribed schedule.


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SCHEDULE 1

FEE FOR ISSUING LEGAL NOTICE/REPLY OF LEGAL NOTICE/ANY OTHER DRAFT

Sl.	Particulars	Existing fee as per Sectional Circular dated 28.08.2008	Proposed Fee payable to Advocate for issue of Legal Notice/ Any other draft	Proposed Fee payable to Advocate for reply of Legal Notice
1	For Liability up to Rs.20.00 Lakhs	Rs. 125/- + actual expenses	Rs. 1500/- +10% clerkage + actual expenses.	Rs 2000 +10% clerkage + actual expenses.
2	For Liability above Rs.20,00,000/-up to Rs. One Crore	Rs. 125/- + actual expenses	Up to Rs. 2000/- +10% clerkage + actual expenses.	Rs 3000 + 10% clerkage + actual expenses.
3	For Liability above Rs. One Crore	Rs. 125/- + actual expenses	Up to Rs. 2500/- +10% clerkage + actual expenses.	Rs 4000 + 10% clerkage + actual expenses.
4	For Notice and reply to Notice on any other issue including premises, Consumer Complaints or otherwise on any subject	--	Up to Rs. 3000/- + 10% clerkage + actual expenses.	Up to Rs. 4000/- + 10% clerkage + actual expenses

SCHEDULE 2

FEE FOR OBTAINING LEGAL SECURITY REPORT CUM NEC FROM ADVOCATES

Sl.	Particulars	Existing fee as per Sectional Circular dated 28.08.2008	Proposed Fee payable to Advocate
1	Per property irrespective of the loan amount	½ % of the loan amount sanctioned subject to a maximum of Rs.25/- and a maximum of Rs. 500/-, relaxable depending upon the work involved with prior permission from the sanctioning office. Maximum Rs. 150/- can be paid towards search fees.	Rs. 6000/- to Rs 9,000/- depending upon the work involved + Actual expenses as per Schedule 18
2	For Master LSR		Rs. 9000/- to Rs 12,000/- depending upon the work involved + Actual expenses as per Schedule 18
3	NEC for broken period		Rs. 1500/- + Actual expenses as per Schedule 18
4	Obtaining Certified Copy of Title Deeds		Actual expenses + Rs. 500/- per deed For actual expenses please refer Schedule 18

Note: The above fee excludes expenditure incurred by way of search receipt but includes all other expenses including obtaining supplementary report from the same advocate.

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SCHEDULE 3

FEEES FOR CIVIL SUITS OTHER THAN DRT CASES

Sl.	Amount or value of property, debt or damages	Existing fee as per Sectional Circular dated 28.08.2008	Proposed Fee payable to Advocate
1	Not exceed Rs.25000/-	10% of amount or value of property, debt or damages i.e. Rs. 2500/-	15% of amount or value of property, debt or damages i.e. Rs. 3750/-
2	If exceed Rs.25000/- and not exceed Rs.50000/-	2500/- + 8% on remaining i.e. Rs. 2000/-	Rs. 3750/- + 10% on remaining i.e. Rs. 2500/-
3	If exceed Rs.50000/- and not exceed 1 Lakh	4500/- + 4% on remaining i.e. Rs. 2000/-	Rs. 6250/- + 8% for remaining i.e. Rs. 4000/-
4	If exceed 1 Lakh and not exceed 5 Lakhs	6500/- + 2% on remaining i.e. Rs. 8000/-	Rs. 10250/- + 2% for remaining i.e. Rs. 8000/-
5	If exceed 5 Lakhs up to 20 Lakhs	14500/- + 1% on remaining amount	Rs. 18250/- + 1% on remaining up to maximum of Rs. 30000/-
6	For execution of decrees	¼ of the fee payable in the original suit.	The fee payable to the Advocates is 25% of the fee paid in the Suit. Only half of the fee is payable immediately i.e. (12 ½ %) on filing of Execution Application. The remaining half fee i.e. (12 ½ %) shall be payable on conclusion of the Execution Proceedings.
7	For appeals the fees shall be calculated at the rate of ½ of the fees as calculated above in point no. 1 to 5	The fee payable to the Advocates is 50% of the fee paid in the Original Suit. Only half of the fee is payable at the time of filling of appeal and balance half shall be payable on conclusion of the Appeal.	
8	Application filed under Under The Commercial Courts (Pre-Institution Mediation And Settlement) Rules, 2018	--	25% of the above as mentioned in point no. 1 to 5
9	Summary Suits	--	½ of the above as mentioned in point no. 1 to 5

Note: Only half of the counsel fee is payable at the time of filing suit and remaining half fee shall be payable after the suit is decreed and a copy of the decree is obtained and execution of the decree has been filed by the advocate.

When suit are decided Ex-parte or without contest or Non-prosecution due to compromise etc, only 75% counsel fee shall be payable. Apart from the above schedule of fee, clerkage + out of pocket expenses.

Note: No separate charges should be paid for any work connected with the Suit, except as specified above. However, actual expenses for typing, Photocopy, Affidavits, Notary charges, Stamps and Postages etc incurred in connection with prepration & submission of pleadings before the court may be paid.

Note: Above schedule is also applicable to cases instituted before Commercial Courts.

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SCHEDULE 4

FEE IN DEFENDING INJUNCTION SUITS/ LITIGATION AGAINST BANK IN CIVIL COURTS

Sl.	Particulars	Existing fee as per Sectional Circular dated 28.08.2008	Proposed Fee payable to Advocate
1	For Filing/ Defending Injunctions Suits/ Claims against Banks before civil Courts	--	Maximum Rs. 20,000/- +10% clerkage and out of pocket expenses on actual basis (No Change)

Note: When Suit are decided Ex-Parte or Without Contest or Dismissed/ Withdrawn due to Compromise etc., only Half Counsel Fee shall be payable before Evidence stage. If Suit is dismissed/ withdrawn / compromised after Evidence stage, 50 % of the balance fee i.e. total 75% fee may be paid.

SCHEDULE 5

FEE SCHEDULE FOR REPRESENTING BANK IN SUCCESSION & ALL OTHER CASES BEFORE CIVIL COURTS WHERE BANK IS MADE A FORMAL PARTY.

Sl.	Particulars	Existing fee as per Sectional Circular dated 28.08.2008	Proposed Fee payable to Advocate
1	For succession and all other cases before civil court where bank is made a formal party.	--	Maximum Rs. 15,000/- 10% clerkage + actual expenses.

SCHEDULE 6 (Newly Added)

FEE FOR CASES U/S 138 OF NEGOTIABLE INSTRUMENT ACT (CHEQUE BOUNCING).

Sl.	Particulars	Existing fee as per Sectional Circular dated 28.08.2008	Proposed Fee payable to Advocate
1	For cases filed by Bank u/s 138 Cheque amount of upto Rs. 20.00 lakh.	--	Rs.10,000/- + 10% Clerkage
2	For cases filed by Bank u/s 138 Cheque amount of above Rs. 20.00 lakh upto One Crore	--	Rs.15,000/- + 10% Clerkage
3	For cases filed by Bank u/s 138 Cheque amount of above Rs One Crore	--	Rs.20,000/- + 10% Clerkage

Note: Only half of the counsel fee is payable at the time of filing suit and remaining half fee shall be payable after the suit is decreed and a copy of the decree is obtained and execution of the decree has been filed by the advocate.

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SCHEDULE 7 (Newly Added)

FEES FOR WRITS/APPEALS ETC. BEFORE THE HON'BLE HIGH COURT FILED BY OR AGAINST THE BANK. (Newly Added)

Sl.	Particulars	Existing fee as per Sectional Circular dated 28.08.2008	Proposed Fee payable to Advocate
1	Where Writ Petition fully contested and finally disposed off	--	Rs. 40000/- + 10% clerkage
2	Where Notices received by Advocate, appearance made and case argued on Bank's behalf but no counter affidavit/ Reply filed or where writ is disposed at admission stage or before the counter is filled, ½ of the above fee can be considered		½ of the above fee in point no 1 can be considered
3	In cases where Bank is a formal or proforma party i.e. no relief against the Bank is claimed		Max Rs. 20000/- + 10% clerkage

Note: This schedule is applicable for contesting the writ petitions, for filing of writ petition permission from Circle Office to be obtained. For any additional interim application during pending of the WP, an additional fee of up to Rs. 2500/- can be considered depending upon the nature of the petition and the relief sought.

SCHEDULE 8

CAVEAT CHARGES & ADDITIONAL APPLICATIONS IN HIGH COURT /SUPREME COURT / DRAT/DRT AND CIVIL COURTS.

Sl.	Particulars	Existing fee as per Sectional Circular dated 28.08.2008	Proposed Fee payable to Advocate
1	For filing CAVEAT before Civil Courts/ DRT/DRAT/High Court.	--	Rs. 3,000/- per caveat + actual expenses.
2	Caveat before Supreme Court of India through Advocate on Record		Rs. 5,000/- + actual expenses.
3	For filing additional applications to be moved. For replies/ rejoinders if any filed by our advocate against any MA/IA filed by the opposite party.	Rs. 500/- per application for moving an application before High Court.	Upto Rs. 3000/- for each application + actual expenses.

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SCHEDULE 9

FEES PAYABLE IN DRT MATTERS

As per HO Cir 164/2020

- I. Professional fees at 1% of the Claim amount with a minimum of Rs.12,500 and a maximum of Rs.50,000 to Advocates who are appearing before DRTs in Metro Cities of Delhi, Mumbai, Chennai, Kolkata and Bangalore.
- II. The maximum amount of professional fees payable to the Advocates by Circles have been enhanced to Rs.30,000/- irrespective of the fee schedule prevailing as per the Civil Rules of Practice for that particular region (other than Metro Cities of Delhi, Mumbai, Chennai, Kolkata and Bangalore).

SCHEDULE 10

FEES PAYABLE FOR FILING APPEAL BEFORE DRAT

Sl.	Particulars	Fees in Delhi	Fees in other Centres
1	Fee for Filing Appeal from the orders of Recovery Officer to DRT Presiding Orders	Rs. 10,000/- + actual expenses	Rs 10,000/-+ actual Expenses
2	Fee for Filing Appeal before DRAT against an Interlocutory orders of DRT where issue do not relate to main relief in Original Application.	Rs. 15,000/- + actual expenses	Rs 15,000/-+ actual Expenses
3	Main Appeal against the Final Orders of DRT before DRAT	Rs. 40,000/- + 10% clerkage + actual expenses	Rs. 25,000/- + 10% clerkage + actual expenses

SCHEDULE 11

FEES FOR APPLICATION U/S 17 & 18 OF SARFAESI ACT, 2002 i.e. S.A. FILED BEFORE DRT. (Newly Added)

Sl.	Particulars	Existing fee as per Sectional Circular dated 28.08.2008	Proposed Fee payable to Advocate
1	If the amount or value of debt upto Rs. 10.00 Lakhs.	..	Rs 10,000/-+ actual Expenses
2	If exceed Rs. 10.00 Lakh and not exceed Rs. 50.00 Lakh		Rs 15,000/-+ actual Expenses
3	If exceed Rs. 50.00 Lakhs and not exceed Rs. One Crore		Rs 20,000/-+ actual Expenses
4	If exceed Rs. One Crore		Rs 25,000/-+ actual Expenses

Note: Only half of the counsel fee is payable at the time of filing reply and remaining half fee shall be payable after the conclusion of the application.

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SCHEDULE 12

PROPOSED FEES RC ISSUED CASES BEFORE DRT.

For obtention and execution of Recovery Certificate and any other proceedings before Recovery Officer in DRT, additional fee amounting to 1/4th of the fee payable for conducting DRT cases or Rs.10,000/- whichever is higher. The above fee payable to advocate shall be paid in the following manner:

- a. 50% of the eligible fee while entrusting the matter for obtainment of Recovery Certificate and filing necessary application before Recovery Officer for execution.
- b. Balance 50% of the fee after executing Recovery Certificate and completion of execution proceedings.

Note: For execution of the Recovery Certificate reasonable expenses incurred may be paid.

SCHEDULE 13

FEES IN CONSUMER CASES. (Newly Added)

Sl.	Particulars	Existing fee as per Sectional Circular dated 28.08.2008	Proposed Fee payable to Advocate
1	Consumer Cases at District Forum	--	Upto Rs. 15,000/- + 10% clerkage + actual expenses.
2	Consumer Cases at State Forum	--	Upto Rs. 20,000/- + 10% clerkage
3	Consumer Cases before NCDRC (National Commission)	--	Upto Rs. 35,000/- + 10% clerkage
4	If Bank is made formal/Performa party i.e. no relief is claimed against the Bank	--	50% of the aforesaid fees maximum fees can be payable

Note: Only half of the counsel fee is payable at the time of filing reply and remaining half fee shall be payable after the conclusion of the application.

SCHEDULE 14

FOR EXECUTION AND REGISTRATION OF LEASE DEED.

Sl.	Particulars	Existing fee as per Sectional Circular dated 28.08.2008	Proposed Fee payable to Advocate
1	The fee payable to the Advocate for Execution and Registration of Lease Deed	--	Rs.10000/- + actual expenses

SCHEDULE 15

FOR RENT EJECTMENT / RENT CONTROL CASES AND OTHER PREMISES RELATED CASES AT DISTRICT COURT.

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Sl.	Particulars	Existing fee as per Sectional Circular dated 28.08.2008	Proposed Fee payable to Advocate
1	Rent Ejectment/ Rent Control Cases and Other Premises matters	--	Maximum Rs. 30,000/- + 10% clerkage + actual expenses.

SCHEDULE 16

FEE FOR APPLICATION UNDER THE COMMERCIAL COURTS (PRE-INSTITUTION MEDIATION AND SETTLEMENT) RULES, 2018.

Sl.	Particulars	Existing fee as per Sectional Circular dated 28.08.2008	Proposed Fee payable to Advocate
1	Application filed under Under The Commercial Courts (Pre-Institution Mediation And Settlement) Rules, 2018	--	Maximum Rs. 10,000/- + 10% clerkage + actual expenses.

SCHEDULE 17

Fee Payable to Advocate engaged in NCLT Matters

As per HO Cir 207/2022, Reasonable Advocate fee shall be decided in consultation with Legal Section of Circle Office and shall be placed to the authorities as per latest Revenue Powers (other than Premises, Computers, Printing and Stationery)

SCHEDULE 18

MISCELLANEOUS & ACTUAL EXPENSES SUCH AS PHOTOCOPY, POSTAL EXPENSES, ATTESTATION, NOTARY, AFFIDAVIT ETC.

On Submission Of Original Receipts, Actual Expenses May Be Paid 100% And Miscellaneous Expenses May Be Paid Up To 75 %.

Typing/translation charges may be paid 100%.

- **IN ADDITION TO THE FEE SCHEDULE MENTIONED ABOVE, ADVOCATES ARE ALSO ELIGIBLE FOR INCENTIVES AS PROVIDED BY OUR HEAD OFFICE FROM TIME TO TIME.**

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