

17th October, 2014

Ref: GJC/CIRCULAR/MEM/2014-15/00060

TO

ALL THE ASSOCIATE MEMBERS / ORDINARY MEMBERS OF THE COUNCIL

Sub: Panel of Law firms/Advocates/Legal Institutions/Consultant Firms empanelled by the Department of Commerce, Govt. of India.

This circular is issued in accordance to the Office Memorandum's (OM's) dated 8th October, 2014 issued by the Trade Policy Division, Department of Commerce, Ministry of Commerce & Industry, Govt. of India. The said OM's are attached for your reference as **Annexure – I & II**, and are issued by the Department of Commerce in replacement to the earlier OM's dated 7th September, 2010 and 29th September, 2010. This OM's come in to operation from 8th October, 2014.

As per the OM attached at Annexure-I, the Department of Commerce have empanelled the panel of Law firms / Advocates / Legal Institutions for the purpose of seeking Legal assistance/services in WTO issues including WTO dispute matters. The names of such Law firms / Advocates / Legal Institutions are mentioned in the Annexure – I, along with the remunerations / payment terms for providing services.

As per the OM attached at Annexure-II, the Department of Commerce have empanelled the panel of Law firms / Consultant firms for the purpose of providing Legal assistance/services related to the preparation of defence for Govt. of India in Trade remedy actions (Counter-vailing duty, Anti-dumping duty and safeguard duty) by other Member countries against products of Indian origin and representing the Govt. of India in such cases. The names of such Law firms / Consultant firms are mentioned in the Annexure – II, along with the remunerations / payment terms with general terms & conditions.

The attached OM's will be reviewed at regular intervals based on the fresh empanelment's by the Department of Commerce. Members are requested to kindly take note of this Circular.

Thanking you,
For and on behalf of
The Gem & Jewellery Export Promotion Council;



Shri Sabyasachi Ray
Executive Director

Encl: As above

The Gem & Jewellery Export Promotion Council

रत्न तथा आभूषण निर्यात संवर्धन परिषद

मुख्य कार्यालय: टॉवर-अ, अडब्ल्यू-1010, जी.ब्लॉक, भारत डायमंड बोर्स, बान्द्रा-कुर्ला कॉम्प्लेक्स, बान्द्रा (पूर्व), मुंबई - 400 051. (भारत)

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ANNEXURE - I

File No. 1/38/2012-TPD
Government of India
Ministry of Commerce & Industry
Department of Commerce
Trade Policy Division
Udyog Bhawan, New Delhi

Dated: 8 October, 2014

Office Memorandum

Subject:- Panel of Law firms/Advocates/Legal Institutions empanelled by the Department of Commerce for the purpose of seeking Legal assistance/ services in WTO issues including WTO dispute matters- regarding.

The undersigned is directed to inform that the Department of Commerce (DOC) hereby approves the following Panels along with the general terms and conditions related to the legal services to be rendered by them for Legal assistance/services to the Government of India (GOI) in WTO matters including WTO dispute matters with immediate effect:

(a) Panel of law firms / advocates / Legal institutes:

- (I) M/s. Luthra & Luthra,
- (II) M/s. Amarchand Mangaldas,
- (III) M/s. AZB & Partners,
- (IV) M/s. Economic Law Practice,
- (V) M/s. Lakshmi Kumaran & Sridharan,
- (VI) M/s. Clarus Law Associates,
- (VII) M/s. APJ-SLG Law Offices,
- (VIII) M/s. Singh & Singh LLP,
- (IX) M/s. Ernst & Young, LLP,
- (X) Shri Krishnan Venugopal, Senior Advocate,
- (XI) Centre for International Trade and Economic Laws, Jindal Global Law School, Panipat.

(b) Remunerations / Payment Terms for firms providing legal assistance/services in WTO matters:

- (i) @Rs 4000/- per hour as the professional fee for the legal assistance/services related to WTO Dispute matters wherein India is either Complainant or Respondant. This will be subject to an upper ceiling on the total amount for each stage of the WTO dispute (Consultation, Panel and Appellate Body stage), to be decided on case to case basis by the Department of Commerce/ Committee constituted for the purpose.

(ii) @ Rs. 20,000/- for the first ten hours in a month and @ Rs. 3,000/- for each subsequent hour for the legal assistance/services in the WTO related matters, other than (i) above.

(c) This Office Memorandum replaces the earlier instruction dated 29 September 2010 issued by TPD vide File No. 1/42/98-TPD.

(d) This Office Memorandum will be reviewed at regular interval based on the fresh empanelment request or the review based on satisfactory performance or as deemed fit for the purpose.


(Tapan Mazumder)
Director
Room No. 279 'C'
Tel :011-23062562
E-mail: d1tpddoc@nic.in

To,

All Commodity Division / Territorial Divisions / DGTR / TPD /RMTR Officers.

Copy for Information to:

PPS to CS
PPS to all AS and AS & FA
PS to all JS

ANNEXURE - II

File No. 1/38/2012-TPD
Government of India
Ministry of Commerce & Industry
Department of Commerce
Trade Policy Division
Udyog Bhawan, New Delhi

Dated: 8 October, 2014

Office Memorandum

Subject:- Panel of Law firms / Consultant firms empanelled by the Department of Commerce for the purpose of providing legal services / assistance related to the preparation of defence for Government of India (GOI) in Trade remedy actions (Countervailing Duty, Antidumping Duty and Safeguard Duty) by other member countries against products of Indian origin and representing the GOI in such cases - regarding.

The undersigned is directed to inform that the Department of Commerce (DOC) hereby approves the following Panels along with the terms and conditions related to the legal services/assistance to be rendered by them in preparation of GOI's defence in Trade remedy actions (Countervailing Duty, Antidumping Duty and Safeguard Duty) by other member countries against products of Indian origin and representing the GOI in such cases.

(a) Panel of law firms / consultant firms:

- (I) M/s. T.P.M Consultants;
- (II) M/s. Lakshmi Kumaran & Sridharan;
- (III) M/s. APJ-SLG Law Offices;
- (IV) M/s. Luthra & Luthra;
- (V) M/s. Amarchand & Mangaldas & Suresh A Shroff & Co.;
- (VI) M/s. Dua Associates;
- (VII) M/s. Kochar & Co. Advocates & Legal Consultant,
- (VIII) M/s. AZB & Partners,
- (IX) M/s. Economic Law Practice,
- (X) M/s Ernst & Young LLP,
- (XI) M/s TLC Legal, Advocates;
- (XII) M/s M. S. Pothal & Associates;

(b) Payment / Remuneration terms along with general terms & conditions for firms:

- (i) Selection shall be, as far as possible, on rotation basis. Before selecting a firm amongst the aforesaid firms for any trade remedial action case, the concerned division, shall necessarily consult the Rules Desk of the Trade Policy Division in DOC to ascertain the expertise of the firm in the relevant Trade Remedies field. This is to ensure that the rotation policy is strictly adhered to.
- (ii) The Law firms / Consultant firms can be engaged for preparation of government responses, inter-governmental consultations and preparation of supplementary responses to the petition etc. presentation of arguments and other such services which are required, shall be undertaken within a maximum upper ceiling of:

- I. Rs. 1.50 lakh per case for Countervailing Duty (CVD) matters;
 - II. Rs. 1.00 lakh per case for Anti-Dumping or Safeguard Duty Matters.
- (iii) For contesting the case, services and presence of Lawyers/ consultants *before the investigating authority / team* may be required. The compensation of such services and presence would be @ Rs. 10,000 per day for the firm. However, maximum compensation for services rendered in a case, including pre-initiation, initiation and post-initiation would not exceed a ceiling of Rs. 2.5 lakhs per case.
- (iv) In case of travel outside Delhi, travelling and boarding expenses of the lawyers / consultants would be borne by the GOI on actual basis as per the extant Rules, Regulations, instructions etc of the Government.
- (c) This Office Memorandum replaces the earlier instruction dated 7 September 2010 issued by TPD vide File No. 1/42/98-TPD. This Office Memorandum comes into operation from immediate effect.
- (d) This Office Memorandum will be reviewed at regular interval based on the fresh empanelment request or the review based on satisfactory performance or as deemed fit for the purpose.


(Tapan Mazumder)
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