



Prathama UP Gramin Bank

(Sponsored by : Punjab National Bank)
Ram Ganga Vihar Phase –II Moradabad
e-mail: law@prathamaupbank.com
website: prathamaupbank.com

Head Office:
Phone: 0591-2492088

LAW DEPARTMENT

PART 1 : SCHEDULE OF FEE OF ADVOCATES & OTHER GUIDELINES

A. REVISED FEES PAYABLE TO ADVOCATES IN CIVIL MATTERS

1.1 Recovery Suit/OA — by or against the bank

CLAIM AMOUNT IN RECOVERY SUIT/ ORIGINAL APPLICATION	FEES PAYABLE
Upto Rs. 1,00,000/-	Rs. 5,000/-
Over Rs. 1,00,000/- upto Rs. 5 Lac	Rs. 10,000/-
Over Rs. 5 Lac upto Rs. 10 Lac	Rs. 15,000/-
Over Rs. 10 Lac upto Rs. 20 lac	Rs. 25,000/-
Over Rs. 20 lac upto Rs. 50 Lac ,	Rs. 25,000/- + 0.20% above Rs. 20 lacs
Over Rs. 50 lacs upto Rs. 1Crore	Rs. 31,000/- + 0.20% above Rs. 50 lacs
Over Rs. 1 Crore upto Rs. 10 Crore	Rs. 41,000/- for Rs. 1 Crore and Rs. 1000/- for every addition of Rs. 1 Crore.
Over Rs. 10 Crore upto Rs. 50 Crore	Rs. 50,000/- for Rs. 10 Crore and 0.005% above Rs. 10 Crore.
Over Rs. 50 Crore upto Rs. 100 Crore	Rs. 70,000/- for Rs. 50 Crore + 0.003% above Rs. 50 Crore
Above Rs. 100 Crores	Rs. 85,000/- + 0.002% over Rs. 100 Crores subject to Rs. 1,10,000/-(Maximum)

1.2 Filing of applications for interim reliefs like appointment of Receiver/Commissioner, ABJ, Injunction etc

10% of the fee payable in the recovery Suit/ OA, payable only on disposal of the application

1.3 Recovery Suit/Original Application (OA) decided ex-parte

2/3rd of the fee that is payable in recovery suit /OA. However, in case of suit/OA proceeding ex-parte since the time of filing of suit/OA, only 50% of the fee is payable for the amount claimed in suit/OA.

1.4 Contesting application for setting aside (one or more) ex- parte decree/ order passed in favour of bank

1/10th of the fee payable in recovery suit/OA.

On decree being set aside, it will be assumed as continuation of suit and counsel's balance fee will be payable, after adjusting the fee already paid.





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1.5 Appeal against Decree or Final Order in suit/ OA

Same fee as payable for recovery suits/OA.

1.6 Review/Revision of Judgment/Order

One Fourth (1/4th) of the fee payable in recovery suit/OA subject to minimum of Rs. 5000/-

1.7 Appeal against orders, other than final order/decreed, in the Suit/OA

1/4th of the fee payable in recovery suit/OA subject to minimum of Rs. 5000/-

1.8 Execution of Decree/ RC

a) Execution proceedings in civil court

Fees in the first execution application before civil court should not exceed 2/3rd of the fee payable for recovery suit on the amount claimed in the execution application. On subsequent application, fee should not exceed 25% of the fee calculated for recovery suit on the amount claimed in the application.

b) For obtaining RC from DRT on the basis of Civil Court Decree

Maximum fee payable is Rs. 7,000/-

c) Recovery proceedings in DRT before Recovery Officer

If the advocate's services are utilized for the purpose of execution of recovery certificate, his fees should not exceed 1/2 of the fee payable as for OA on the amount of the recovery certificate.

1.9 Filing restoration application, whenever any execution petition/ application is dismissed for want of appearance or default

Whenever any execution petition/application is dismissed for want of appearance or default, attempt should be made to restore the said application. In case any fresh application in such circumstances has to be filed, no further fee will be payable to the counsel. In such matters, balance fee, if any, will be payable on complete disposal of the execution petition (restored/ filed afresh)

1.10 Appeal against Execution of Decree/RC

Fee payable is Rs. 8,000/-

1.11 Suit for Injunction (mandatory/ permanent) /declaration/suits for specific performance by or against bank (except where Bank is a proforma defendant) before Lower Court/ Distt. Court/ High Court having original jurisdiction.

Place of Court	Fees Payable
Lower Court other than District Judge Court	Rs. 7,500
District Judge Court	Rs. 10,000





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High Court

Rs. 20,000/-

1.12 Defending Suit against bank (including filing of formal reply/Written Statement etc) where bank is only a proforma defendant or the counsel engaged to keep watch and reporting developments of the case

Particulars	Amount
IN DRT / DRAT/ High Court	Rs. 10,000/- (consolidated)
IN Civil/Criminal Courts	Rs. 5,000/- (consolidated)

1.13 Defending litigation under SARFAESI Act

a) Defending appeal U/s 17 of SARFAESI Act before DRT/DRAT against order of DRT

1/2 of the fee payable for Recovery Suit/OA as mentioned in Para A (i), subject to minimum of Rs. 10,000/-

b) Drafting reply to Representation/objections raised by the borrower to the notice U/s 13(2) of SARFAESI Act or against measures taken by the bank in terms of Section 13(4) of SARFAESI Act

If the merit of the case warrants assistance of a legal counsel, then services may be utilized paying fees maximum of Rs. 2500/- depending upon the quantum, of subject, work & labour involved.

c) Causing appearance as witness at the time of taking Possession, breaking lockers or like exercises

Rs. 1000/- per reference/ appearance. However, in cases where the time consumed is much longer, the higher fees may be considered subject to maximum of Rs. 2000/-

d) Application before Metropolitan Magistrate/DM seeking assistance for taking Physical possession U/S 14 of SARFAESI Act

Maximum fee payable is Rs 5000 per application

1.14 Consumer Complaints before District Forums

1/3rd of fee payable for recovery suit/OA on the valuation of the amount of services and compensation claimed, subject to minimum of Rs.5000/-

1.15 Consumer Complaint/Appeal/Revision before State Commission

1/2 (Half) of fee payable for recovery suit/OA on the valuation of the amount of services and compensation claimed, subject to minimum of Rs.10,000/-

1.16 Consumer Complaint/ Appeal/ Revision/ Review before National Commission





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For complaints/appeals/revision, minimum of Rs. 20,000/- and maximum of Rs. 40,000/- is payable, depending upon the quantum of subject, work & labour involved

For review, minimum of Rs 7000/- and maximum of Rs. 10000/- is payable depending upon the quantum of subject, work & labour involved.

1.17 Writ petitions (on consolidated basis)

Where Bank is pro-forma defendant, fee payable is Rs 7,500/-

Matters pertaining to SARFAESI/ Recovery action where borrower approaches the High Court, maximum fee payable is Rs 15,000/-

For contested matters, fee be negotiated in advance depending upon work & labour involved subject to maximum as mentioned below

High Court	Supreme Court
Rs. 30,000/-	Rs. 50,000/-

1.18 Liquidation matter, including transfer matter from High Court to NCLT U/s 434 of Companies Act

Maximum fee payable is Rs. 20,000/-

1.19 Proceedings under Ombudsman Scheme.

Where services of an advocate is obtained, as per merit of the matter, maximum fee payable is Rs. 5000/-

1.20 Filing/Defending Application/ Appeal under Insolvency & Bankruptcy Code, 2016 before NCLT/NCLAT

Amount Involved	Fee Payable
Rs. 1-50 Crores	Rs. 20,000/-
Rs. 50-100 Crores	Rs. 30,000/-
Rs. 100-500 Crores	Rs. 40,000/-
Above Rs. 500 Crores	Rs. 65,000/-
Miscellaneous applications or any other ancillary applications filed by the Bank or contested by the Bank under the code - Same shall be negotiated to a maximum fee of Rs. 25,000/-.	

1.21 Proceedings under Competition Act

Minimum of Rs. 20,000/- and maximum of Rs.30,000/- fee is payable

1.22 Claim before Commissioner of Payments

Fees as payable for recovery suit/ OA of the amount of the claim before Commissioner of payments





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1.23 Eviction/ Rent Matters

In respect of proceedings/suit by or against the bank before the Estate Officer/Rent Controller/Court, fee payable is calculated as per the fees payable for recovery suits/OA of the amount of the annual rent payable at the time of suit. Further, wherever, the calculation on the basis of annual rent is not practically feasible, fee payable has to be decided on case to case basis, on consolidated basis subject to maximum of Rs. 25,000/-

In respect of claim for mesne profits by or against the bank before the estate officer/rent controller/court, fee payable is to be calculated as per fees payable for recovery suit/OA of the amount of the annual rent payable at the time of claim.

In respect of Appeal before District Court/any other forum, fees is to be calculated as per fees payable for recovery suit/OA of the amount of the annual rent payable at the time of appeal.

1.24 Certificate proceedings under State Recovery Acts

Generally, there is no need to engage counsel in certificate proceedings under State Recovery Acts. Such proceedings can be attended, followed up & monitored by dealing BO/RO officials. However, where need is felt to engage the counsel for filing, attending & conducting such proceedings, maximum fee of Rs. 3500/- can be paid and for just filing the matter, fee of Rs 800 can be paid.

1.25 Issuing Legal Notices for Bank including notice U/s 138 of NI Act/ U/s 25 of Payments & Settlement System Act, 2007, demanded invocation of guarantee

Amount Involved	Professional Fees
Upto Rs. 2 lakh	Rs. 250/- consolidated.
Above Rs. 2 lakh & upto Rs. 10 lakhs	Rs. 500/- consolidated.
Above Rs. 10 lakhs & upto Rs. 20 lakhs	Rs. 750/- consolidated.
Above Rs. 20 lakhs & upto Rs. 1 Cr.	Rs. 1,000/- consolidated
Above Rs. 1 Cr.	Rs. 2,000/- consolidated

1.26 Title deed investigation and Search Report

For Issuing NEC for the Agricultural Loan Upto Rs. 3,00,000/-	Rs.500/-
For Issuing NEC for the Agricultural Loan above Rs. 3,00,000/-	Rs.750/-





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For Issuing NEC for the loan other than Agricultural Loan	
a) Till 75 Lac	Rs 1000
b) Above 75 Lac	Rs 1500
Registration of Mortgage Documents and marking of Bank Lien on Revenue Records	Rs.250/-
Search Reports for last 13 years to be obtained within 6 months of arrangement of loan/limit or at the time of renewal/enhancement of the loan/limit(as the case may be)	Rs.250/-
NEC update less than 13 years	Rs.150/-

1.27 RTI Matters- For appearing before Central Information Commission including Drafting/filing of reply

Maximum fee payable is Rs. 5000/-

1.28 Filing of Caveat Application

Before DRT/District Court	Rs. 2000/-
Before High Court /DRAT	Rs. 3500/-
Before Supreme Court/NCLAT/National Commission	Rs. 7000/-

1.29 For Arbitration matters/references

Fees to be negotiated with the Advocate at the time of engaging his/her services and be finalized at the Head Office level on case to case basis

For the purpose of appointment of arbitrator, respective Dept (with which the subject matter is concerned) at Head Office shall be the competent authority. Committee comprising of following shall approve the appointment of arbitrator —

- | | |
|--|--|
| a) Chairman | b) General Manager (Law) - Convener of meeting |
| c) Concerned Departmental Head - Mandatory member. | d) Head (Law Dept) |

1.30 For contesting writs w.r.t issuance of willful defaulter/Fraud matters/Look out Circulars

High Court	Supreme Court
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Rs. 20,000/-

Rs. 35,000/-

1.31 For Drafting/Execution of Lease Deed/Sale Deed etc. of Bank's Premises & Immovable Properties

The maximum advocate fee shall be Rs.5,000/- depending upon the nature of work and quantum involved besides actual miscellaneous expenses incurred in.

Registering the document & obtaining registered document from the authority. The Regional Head to negotiate the fee with the advocate on case to case basis and try to fix the same at minimum level.

1.32 For service of summons of court / Dasti Service

Rs. 750/- per person/property

1.33 Interlocutory Applications/Intervener Application/ Objections by or against Bank

Before Recovery Officer, DRT/Civil Court	Rs. 2500/-
Before Presiding Officer, DRT	Rs. 5000/-
Before DRAT/High Court	Rs. 7500/-

1.34 Any litigation (other than service matters) for which fees payable is not specifically mentioned.

In respect of any litigation before any Forum/Tribunal/Authority, if advocate is to be engaged, the fee payable be settled on consolidated basis, before handing over the file to the advocate. Power chart relating to law matters be referred as to the authority who can decide the fee payable in such cases on consolidated basis.

1.35 Fees payable for conducting cases before Supreme Court of India

Subject	Rates of fees prescribed
Fee for Conference (for opinion purposes, if more than one Conference is required)	Rs.3,300.00
Fee for Conference at Senior Counsel's Residence / Office	Rs. 6,600.00
Drafting of SLP/Writ Petition/Counter (inclusive of drafting of all Misc. Applications/IAs necessary in the matter)	Rs.11,000.00
Drafting of Rejoinder to the Counter filed by other party inclusive of Misc. Application	Rs. 7,700.00
Separate Drafting of Misc. Application / IA / Reply to As in Pending Matters	Rs.3,300.00





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Fee for appearing in SLP / Appeal / Writ Petition at the Admission Stage Misc. Hearing	Rs.11,000.00 (for first hearing) and Rs.7,700.00 per hearing for subsequent hearings including Misc. Hearing)
Fee for appearing in SLP/Writ Petition at the final hearing	*N Rs.5,500.00 #E Rs.11,000.00 (Per hearing)
Where Final Hearing is a Long Hearing (subject to certification)	Rs. 15,000.00 (per hearing)
Opinion charges (depending upon the gravity of the matter)	Rs.11,000.00
Fee for filing/attending registry and filing Vakalat and Mentioning of hearing	Rs.4,400.00 (subject to ceiling upto three hearings, thereafter @ Rs.3,300/- per hearing)
For filing Caveat	Rs. 7,000.00

*N- Non-Effective Hearing

#E- Effective Hearing

STAGES OF PAYMENT

In suits/OA, fees be paid to the advocate in three stages.

- First stage- 1/3rd of the fees to be paid after the recovery application is drafted and filed in DRT.
- Second stage- 1/3rd of the fees to be paid after filing/adducing of evidence.
- Third stage- Balance 1/3rd of the fees to be paid after the case is finally decided & the certified copy of the final order is obtained.

For matters like drafting of FIR, drafting and issuing of legal notices, filing of applications for interim reliefs and title deed investigation, fees will be paid on completion of work.

In execution petition/execution Appeals, fees shall be paid in two stages, half of the fees be paid at the time of filing of execution appeal/execution petition. The balance fee shall be paid on complete disposal of execution appeal / execution petition (other than dismissal for want of appearance for default).





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In Appeals and miscellaneous matters, 50% of the fees shall be paid at the initial stage and balance 50% shall be paid only on completion of the work/obtaining of the order/disposal, as the case may be.

B. REVISED FEES PAYABLE TO ADVOCATES IN CRIMINAL MATTERS

2.1 Criminal Complaints, including complaints U/s 138 of NI Act & matters U/s 25 of Payments & Settlement System Act, 2007, filed by/or against the Bank

Amount Involved	Fees Payable
Up to Rs. 10 lakhs	Up to Rs. 5,000/-
Above 10 lakhs to 1.00 Crore	Up to Rs. 7,500/-
Above Rs. 1 Crore	Up to Rs. 10,000/-

2.2 Drafting of FIR

Respective Authorities	Fees Payable
In case, FIR to be filed before local Police/SHO	Rs 1500
In case, FIR to be filed before CBI/SFIO/SOG/EOW	Rs 2500

2.3 Protest/Appeal filed by the Bank against dismissal of Criminal complaints

Maximum Fee payable is Rs. 10000/-

2.4 To defend employee/ officer/ Director (serving / retired) in tune with the scheme for " Extending Legal and Financial Support to serving/ Retired Employees & Officers, present/ previous Directors of the Bank and their Family members against cases arising out of bonafide execution of Bank's work during their service period/ tenure" as per the extent guidelines laid down by sponsor bank's HRDD Circular No. 810 dated 24.09.2019 and shall be pre negotiated subject to ceiling as under

Seeking Anticipatory Bail (Before Lower Court/ Session Judge)	Rs. 25,000/-
Seeking Anticipatory Bail (High Court)	Rs. 50,000/-
Seeking regular Bail (In Lower Court / Session Judge)	Rs. 15,000/- for 1st Bail Application. If another bail application is filed in same court/appellate within district court, additional Rs. 15,000/- may be reimbursed.
Seeking regular Bail (High Court)	Rs. 30,000/-





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Seeking regular Bail (Supreme Court)	Rs. 75,000/- Specific permission is to be sought from competent authority by applicant for this purpose.
Petition/Revision for quashing of FIR/Case (High Court)	Rs. 40,000/- (Maximum ½ of the fee on filing of the case and remaining ½ at the stage of disposal)
To defend the case (Lower Court)	Rs. 30,000/- lump sum. Maximum 1/3rd of the lump sum fees may be reimbursed in a year. Full amount may be reimbursed in case of conclusion.
To defend the case (Session Judge)	Rs. 50,000/- lump sum. Maximum 1/3rd of the lump sum fees may be reimbursed in a year. Full amount may be reimbursed in case of conclusion.
To defend the appeal (High Court /Supreme Court)	Rs. 1,00,000/- lump sum. Maximum 1/3rd of the lump sum fees may be reimbursed in a year. Full amount may be reimbursed in case of conclusion.
Filing Cases by Employee against any defaulter/ party e.g. Defamation, etc.	Rs. 30,000/- Maximum 1/3rd of the lump sum fees may be reimbursed in a year. Full amount may be reimbursed in case of conclusion.
Filing of applications for interim reliefs and other misc applications.	Additional 10% amount of the fee payable for respective proceedings as mentioned above.
Clerkage, if any.	Additional 10% amount of maximum limit for respective proceedings as mentioned above.

C. CLERKAGE AND OUT OF POCKET EXPENSES.

10% of the fees prescribed hereinabove will be paid to advocates as clerkage. Out of pocket expenses will be paid on actual basis.

D. OTHER CLARIFICATIONS

- If any counter claim is filed by the defendant it will be treated as a suit filed against the bank and the fees will be payable as for recovery suit / OA.

- In case of compromise between Bank and the party, fees payable shall be as per the stage of the case. However, if the counsel has played positive role in bringing out compromise by taking initiating or coordinating in the matter, Regional Head in exercise of his full powers, may consider paying a higher fee not more than the applicable fee as per bank schedule, in the suit/application/legal proceedings, irrespective of the stage of the case.

- If the account has been compromised after filing of the execution petition and if the advocate has played a role in bringing out compromise, balance 50% fees payable to him also shall be payable having regard to the recovery effected in the account.





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- If the proceedings are adjourned sine-die due to non-availability of attachable assets or for want of whereabouts of the borrower/guarantor, no further fees shall be payable to the advocate.
- Where civil courts have already passed decrees, the counsel has to move an application u/s 19 or 31 A of DRT Act or conduct the transferred execution proceedings u/s 31 of DRT Act for issuing Recovery Certificate from DRT and for the purpose, fees be paid @ 1/3rd of the fees as for suit on the amount claimed in the application. Out of this fee, 50% of the fee shall be payable at the initial stage and balance 50% of the fee shall be payable after obtaining Recovery Certificate from DRT.
- Whenever DRT holds court (Circuit Bench) at places other than the places where they are established, Law Officer/ Manager (Law)/ Sr. Manager (Law) may be deputed subject to their availability, for participating in DRT proceedings. If for any exceptional reason the dealing advocate himself is to represent the bank before Circuit Bench, his lodging, boarding and other expenses may be decided by the Regional Head having regard to the need, exigencies and circumstances.

E. GENERAL GUIDELINES

- a) In respect of any litigation before any Forum/Tribunal/Authority, if advocate is to be engaged, the fee payable be settled on consolidated basis, before handing over the brief/matter to the advocate. Power chart relating to law matters be referred as to ascertain the authority who can decide the fee payable in such cases on consolidated basis.
- b) In case of compromise, fees payable shall be as per the stage of the case. If the counsel has played positive role in bringing out compromise by taking initiating or coordinating in the matter, Regional Head in exercise of his full powers, may consider paying a higher fee but not more than the applicable fee as per bank schedule. If the account has been compromised after filing of the execution petition and the advocate has played a role in bringing out compromise, balance 50% fees payable to him also shall be payable having regard to the recovery effected in the account.
- c) Before engaging a counsel in any of the litigation, fees payable is to be negotiated and reasonable fees be paid subject to the maximum fees payable mentioned herein above. As far as practicable, attempt should be made to settle the fee with the counsel in respect of the litigation other than money suits, keeping in view the above schedule of fees. While settling fees in such matters, the professional standing of the counsel, his ability and the work involved should be taken into consideration. Where the counsels are not agreeable to consolidated fee, prior sanction of the competent authority should be obtained before engaging them.
- d) Marking of cases for engagement of counsels shall be done by Regional Head of the respective Region or General Manager(Law) of Head Office (as the case may be) in consultation with the Law Officer/Legal Cell of Head Office. It is to be ensured that the advocate to be engaged is having professional competence.
- e) In the cases where the counsel to be engaged is not on the bank's panel, permission of competent authority in terms of power chart relating to law matters be obtained and the fee payable be settled in





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advance. Also where the fees prescribed is not acceptable by the counsel (on account of being less as per the work involved) the same can be negotiated with prior approval of the competent authority.

f) The counsel who got the decree in cases should, unless there is a need for change, be engaged for the execution also.

g) Normally, there should be one counsel in a case. However, where the counsel in charge is a senior advocate and a junior counsel is also required to be provided, the fee payable to the junior counsel will not exceed 1/3rd of the fee payable to the senior in accordance with the schedule.

h) Bank's Advocates will be paid fees with respect to suits, applications, appeals and other matters (by or against bank) as per bank's schedule. It may be noted that the fee payable to Junior counsel, if any, will also be according to the stages detailed above.

i) The consent of the counsel to accept fee as per bank's schedules should also include his/her consent to accept the fee as per stages given above.

j) For matters before the Supreme Court, National Consumer Disputes Redressal Commission and Competition Commission, counsels be engaged in consultation with the Law Division.

k) Advocates will be required to file fee certificate (which includes fee paid and agreed to be paid) in the court/tribunal etc. as per procedure so that bank gets order/decreed inclusive of counsel's fee.

l) All bills in respect of counsel's fee and other expenses in respect of litigation such as court fee etc. should be got sanctioned by the competent authority and be debited to the law charges.

m) No separate fees will be payable in pending cases or at the time of filing of suit for any miscellaneous application/petition (other than those specifically provided for herein) or for other appearances. Fee payable to the counsel as per schedule includes fees for such steps to be taken by the counsel until the termination of legal proceedings.

n) Where a plaint/application to be filed before Court/DRT is drafted and bank has taken a decision not to file the suit in the account, the advocate be paid first stage of the fees i.e. 1/3rd of the total fees.

o) Wherever Sr. Advocates are engaged, the fees payable be paid by way of crossed cheque in the name of the respective Sr. Advocate or be directly credited to his account and in no case the said fee due to the Sr. Advocate be paid to the advocate/solicitors through whom the said Sr. Advocate is engaged. Decision to obtain services of Senior Advocate in any particular case be taken at the level of General Manager (Law) at Head Office.

p) Wherever counsel's fees is paid, necessary Tax deduction be made as per Law as in force. T.D.S. certificate be delivered to the respective Advocates against receipt. Requisite TDS return be filed with Tax Authorities.

