

DOP- Legal Department- MAY 2023

**DELEGATION OF POWERS (DOP) –LEGAL DEPARTMENT**

Sl. No.	Subject	Delegation of Powers
<b>A</b>	<b>PROCEEDINGS UNDER THE INSOLVENCY AND BANKRUPTCY CODE, 2016</b>	
A.1	Decision to file insolvency proceeding	C&OC
A.2	a. Appointment of IRP/RP and fixation of fees b. Approval/ Rejection of Final Resolution Plan including any plan under Section 12A of IBC	a. C&OC b. C&OC
A.3	Filing of Appeals before NCLAT/ High Court/ Supreme Court	CGM(Credit) on recommendation of and GM(Law) and GM(Credit)
A.4	Voting on Agenda items in Committee of Creditors ("COC") Meetings <b>(except items at A.2 above)</b>	CGM (Credit) on the recommendations of GM (concerned) in consultation with GM (Law) on legal issue.
A.5	Approval of draft Insolvency Petition/ Applications/Pleadings/ Appeals to be filed before NCLT/NCLAT/HC/SC.	GM(Law)
A.6	Approval for payment of Court fee for filing of Insolvency Petition/ Application/ Appeal before NCLT/ NCLAT	HO: DGM(Law) RO: RO Head
A.7	Filing of Claims in Insolvency Petitions	DGM
A.8	Approval of filing of Miscellaneous Applications/ Pleadings/Affidavits in NCLT matters	HO: GM(Law) with report to CGM (Credit) At RO: RO head
A.9	Signing of Insolvency Petitions, Affidavits/Miscellaneous Applications/ Pleadings in NCLT matters	HO/RO: All Legal officers
A.10	Appointment of Advocates in Insolvency Cases filed by IFCI and other Financial /Operational creditors (empanelled and under IFCI's fee structure)	At HO: DGM(Law) with report to GM (Law) At RO: RO Head with report to GM (Law)

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A.11	Appointment of Advocates in Insolvency cases filed by IFCI and other Financial/ Operational creditor(s) (outside IFCI's panel/ outside fee structure)	At HO/RO: <i>Fee up-to Rs.7.5 Lakhs:</i> GM (Law) with report to concerned CGM/Vertical Head.  <i>Fee in excess of Rs.7.5 lakh: C&amp;OC</i>
A.12	Payment of Advocate Bills/Tribunals Fees in Insolvency Matters	HO: DGM(Law) RO: RO Head
A.13	Approval for CIRP Cost/Liquidation fee/ Expenses	<i>In consortium/multiple banking cases /where there are multiple members in Committee of Creditors:</i> CGM (Credit) on recommendation of GM(Law) and GM(Credit/Recovery)  <i>In cases where IFCI is sole lender/sole member in Committee of Creditors: C&amp;OC</i>
A.14	Approval for executing Inter Creditor Agreement (ICA) under RBI guidelines.	HO/RO: CGM(Credit) on recommendation of GM(Law) and GM(Credit)
<b>B</b>	<b>PROCEEDINGS UNDER THE SARFAESI ACT, 2002</b>	
B.1	a. Approval for issuance of 13(2) notice b. Appointment/ Change of Authorized Officer c. Confirmation of Sale.	CGM -In charge of Credit/Recovery Operations.
B.2	Fixation of Reserve price	Authorized Officer appointed under the provisions of SARFAESI Act, 2002 on recommendation of the Credit Operations Committee.
B.3	Signing and issuance of Notice u/s 13(2), and all other statutory notices, including reply under 13(3A).	HO/ RO: Authorised Officer appointed under the provisions of SARFAESI Act, 2002 on approval of GM(Law) and GM(Credit/Recovery)

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B.4	Approval for filing of Application u/s 14	Authorized Officer appointed under the provisions of SARFAESI Act, 2002 in consultation with GM(Law) and GM (in-charge of Recovery) jointly.
B.5	Appointment of Advocate in SARFAESI Matters (empanelled and within IFCI's fee structure)	HO: DGM(Law) with report to GM(Law) RO: RO Head with report to GM(Law)
B.6	Appointment of Advocates in SARFAESI Matters (outside IFCI's panel/ outside fee structure)	At HO/RO: <i>Fee up-to Rs.7.5 Lakhs:</i> GM (Law) with report to concerned CGM/Vertical Head. <i>Fee in excess of Rs.7.5 lakh:</i> C&OC
B.7	Payment of Advocate Bills in SARFAESI Matters	HO: DGM(Law) with report to GM(Law) RO: RO Head
B.8	Issuance of Sale Certificate and handing over possession	Authorised Officer appointed under the provisions of SARFAESI Act, 2002 on vetting of Sale Certificate by DGM (Law).
B.9	Payment of Security Agency Bills in SARFAESI Matters	Authorised Officer appointed under the provisions of SARFAESI Act, 2002
B.10	Signing of pleadings in S.A (Securitisation Application) filed under the provisions of SARFAESI ACT, 2002 against IFCI	Authorised Officer appointed under the provisions of SARFAESI Act, 2002
B.11	Signing of Sec 14 Application under the provisions of SARFAESI ACT, 2002	Authorised Officer appointed under the provisions of SARFAESI Act, 2002
B.12	Signing/Execution/Registration of Assignment Deeds	AGM and above, of any discipline
B.13	Appointment of Security Guards	Authorised officer on recommendation of GM (Recovery)
B.14	Authorisation to lead Lender to take action under SARFAESI	CGM(credit) on recommendation of GM(Law)

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<b>C</b>	<b>PROCEEDINGS UNDER THE NEGOTIABLE INSTRUMENTS ACT, 1881</b>	
C.1	Approval for issuance of notice under section 138 for dishonour of cheques	GM (In - Charge) / RO Head & GM(Law) with report to concerned CGM / Vertical Head.
C.2	Approval for withholding issuance of notice under section 138 and also withholding filing Criminal Complaint in 138 matters	GM (Credit & Recovery) and GM(Law) with report to CGM / Vertical Head.
C.3	Signing of 138 notices and Criminal Complaint under NI Act	All officers of IFCI in all disciplines, except of the rank of Private Secretaries, after consultation with the Law Officer.
C.4	Decision of filing and withdrawal of Criminal Complaint under section 138	GM/ Vertical Head & GM(Law) with report to concerned CGM/Vertical Head.
C.5	Appointment of Advocate for filing Criminal Complaint under NI Act (empanelled and within IFCI's fee structure)	HO: DGM(Law) with report to GM (Law) RO: RO Head with report to GM (Law)
C.6	Appointment of Advocate for filing Criminal Complaint under NI Act (outside IFCI's panel/ outside fee structure)	At HO/RO: <i>Fee up-to Rs.7.5 Lakhs:</i> GM (Law) with report to concerned CGM/Vertical Head. <i>Fee in excess of Rs.7.5 lakh: C&amp;OC</i>
C.7	Payment of Advocate Bills in NI Matters (as per applicable fee structure)	HO: DGM(Law) RO: RO Head
<b>D</b>	<b>MATTERS BEFORE DRT/DRAT</b>	
D.1	Decision to initiate DRT proceedings against assisted concern including initiation of action against Guarantors.	CGM(Credit) on recommendation of GM(Law) and GM(Credit)
D.2	Approval of draft Original Application to be filed before DRT	HO: DGM(Law) and DGM (Recovery) RO: RO Head on recommendation of Legal Officer and Credit Officer jointly

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D.3	Approval of Court fee for filing of Original Application/Appeal before DRT/DRAT	HO: DGM(Law) with report to GM (Law) RO: RO Head with report to GM (Law)
D.4	a) Approval for filing Miscellaneous Applications/ Pleadings/ Review application/ Affidavits in DRT/ DRAT Matters  b) Approval of draft Appeal/ Miscellaneous Applications/ Pleadings/ Review application/ Affidavits in DRT/DRAT Matters	HO:GM(Law)  At RO: RO head
D.5	Signing of OA/ Affidavits/ Miscellaneous Applications/ Review application/ Pleadings in DRT/DRAT Matters	HO/RO: All Legal officers
D.6	Decision to file appeal before Presiding Officer against orders of Recovery Officer	HO: GM(Law) At RO: RO head with report to GM(Law)
D.7	Decision to file Appeal/ Writ before DRAT/ High Court	At HO: GM (Law) with report to CGM /Vertical Head. RO: GM(Law) on recommendation of RO head with report to CGM/ Vertical Head.
D.8	Appointment of Advocates in DRT/DRAT Matters including Proforma Defendant matters (empanelled and within IFCI's fee structure)	HO: DGM(Law) with report to GM (Law) RO: RO Head with intimation to GM(Law)
D.9	Appointment of Advocates in DRT/ DRAT matters (outside IFCI's panel/ outside fee structure)	At HO/RO: <i>Fee up-to Rs.7.5 Lakhs:</i> GM (Law) with report to concerned CGM/Vertical Head. <i>Fee in excess of Rs.7.5 lakh: C&amp;OC</i>
D.10	Payment of Advocate Bills in DRT/DRAT Matters	HO: DGM(Law) with report to GM(Law) RO: RO Head
D.11	Payment of miscellaneous expenses, charges, etc. in connection with DRT matters	HO: DGM(Law) with report to GM(Law) RO: RO Head



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<b>E</b>	<b>MATTERS BEFORE HIGH COURT/ SUPREME COURT</b>	
E.1	Approval for filing matters before Supreme Court	GM(Law) with report to CGM/Vertical Head.
E.2	Decision to file fresh proceedings/Appeals/Writs etc. before the High Court	GM(Law) with report to CGM/Vertical Head.
E.3	Approval of draft Pleadings, Petitions, Writs, etc. to be filed in High Court/ Supreme Court	GM(Law)
E.4	Signing of Applications/ Writs etc. in High Court/Supreme Court Matters	HO/RO: All Legal Officers
E.5	Appointment of Advocate (empanelled and within IFCI's fee structure)	HO: DGM (Law) with report to GM(Law) RO: RO Head with report to GM(Law)
E.6	Appointment of Advocate (outside IFCI's panel/ outside fee structure)	At HO/RO: <i>Fee up-to Rs.7.5 Lakhs:</i> GM (Law) with report to concerned CGM/Vertical Head. <i>Fee in excess of Rs.7.5 lakh:</i> C&OC
E.7	Payment of Bills of Advocates in High Court/Supreme Court matters	HO: DGM(Law) with report to GM(Law) RO: RO Head
E.8	Payment of Bills of Senior Advocate Bills in High Court/ Supreme Court matters	HO: GM(Law) RO: GM (Law) on the recommendations of RO Head.
<b>F</b>	<b>DOCUMENTATION</b>	
F.1	Approval of Financing/Security Documents	At HO: Jointly by GM(Law) and GM(Credit) At RO: RO head on recommendation of Law Officer and Credit Officer
F.2	Execution of Documents	All officers of IFCI in all disciplines, except of the rank of Private Secretaries

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F.3	Safe Custody	HO: Joint Custody of an Officer not below the rank of Manager and one AGM  RO: Joint custody of Legal Officer at RO and one Credit Officer. RO with no Legal Officers: Any Two Officers
F.4	Acceptance of Title	GM(Law) with a report to CGM /Vertical Head.
F.5	Appointment of Advocate for Title Search together with fee (within or outside IFCI's panel)	GM(Law)
F.6	Payment to Advocate for Title Search as per approved terms	HO: DGM(Law) RO: RO Head
<b>G MISCELLANEOUS MATTERS</b>		
G.1	Empanelment of Advocates	GM(Law)
G.2	Annual Review of performance of Advocates	GM(Law) with report to In Charge of Legal Department
G.3	Approval of Schedule for Advocate Fees	C&OC on recommendation of HO Legal Department
G.4	Filing of Caveats and appointment of Advocate for the same together with fee	HO/ RO: AGM(Law) with report to GM(Law)
G.5	Approval for filling and defending of all suits of civil nature before any Tribunals/Appellate Tribunals/ District / Civil Courts/ Small Causes Courts/ Tax Authorities/ Commission/ Forums, etc.	HO/ RO: GM(Law) on recommendation of the Head/ In-charge of the concerned Department/ concerned RO.
G.6	Approval for filing and defending Appeals before any Tribunals/Appellate Tribunals/ District Courts/ Tax Authorities/ Commission/ Forums etc.	HO/ RO: GM (Law) on recommendation of the Head/ In-charge of the concerned Department/ concerned RO with report to CGM /Vertical Head.
G.7	Decision for Obtaining outside Legal Opinion on any legal matter, Appointment of Advocate and deciding the Fees	GM(Law) on recommendation of Head/In-charge of the concerned Department with report to CGM /Vertical Head.

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G.8	Appointment of Senior Advocate/Arguing Counsel and their fees	At HO/RO: <i>Fee up-to Rs.7.5 Lakhs:</i> GM (Law) with report to CGM /Vertical Head. <i>Fee in excess of Rs. 7.5 lakh: C&amp;OC</i>
G.9	Payment of fee of Senior Advocate/Arguing Counsel	HO: DGM(Law) RO: RO head
G.10	Withdrawal of court cases	CGM/ Vertical Head on recommendation of GM(Credit) and GM (Law)
G.11	Decision to file Criminal Complaints before CBI/EOW/ED/SFIO/Police.	C&OC
G.12	Approval of draft Criminal Complaints to be filed before CBI/EOW/ED/SFIO/Police	GM(Law)
G.13	Signing of Criminal Complaints to be filed before CBI/EOW/ED/SFIO/Police	RO/HO: All Legal officers
G.14	Appointment of Arbitrator and payment of Arbitrator Fees/ Advocate fees/ Tribunal fees in Arbitration matters.	HO/RO: CGM/Vertical Head on the recommendations of GM (Law).
G.15	Compliance of all orders of any nature from court / any forum	GM (Law) with report to CGM/Vertical Head
G.16	Appointment of advocate in matters where no Advocate Fee/ court fee is prescribed / fixed	Committee comprising concerned GM (Credit & Recovery), GM (Law) and CGM/Vertical Head.
G.17	Approval for payment / reimbursement of any fee or expenses relating to miscellaneous matters of the Legal department and other departments	At HO/RO: <i>Fee up-to Rs.2 Lakhs:</i> Concerned GM, GM (Law) with report to CGM/Vertical Head. <i>Fee in excess of Rs.2 lakh: C&amp;OC</i>



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G.18	All ex post facto approvals in relation to Legal matters including appointment of advocates, counsels.	GM (Law) & GM (Recovery) with report to CGM /Vertical Head.  For ex post facto approval in the matters where there is existing committee, the matters shall be referred to that Committee for approval.
G.19	Invocation of Personal / Corporate Guarantee	CGM on recommendation of GM(Law) and GM(Credit)
G.20	All matters related to official liquidator (OL)	GM(Recovery) and GM (Law) with report to CGM/Vertical Head.
G.21	For any matter on which the DOP is silent	Committee comprising concerned GM (Credit & Recovery), GM (Law) and all CGM.
G.22	Appointment of Advocates in all suits of civil nature before any Tribunal/ Appellate Tribunal/ District / Civil Court/ Small Causes Courts/ Tax Authorities/ Commission/ Forums/ Arbitration proceedings etc. (empanelled and within IFCI's fee structure)	HO: DGM(Law) with report to GM(Law) RO: RO Head with report to GM(Law)
G.23	Appointment of Advocates in all suits of civil nature before any Tribunal/ Appellate Tribunal/ District / Civil Court/ Small Causes Courts/ Tax Authorities/ Commission/ Forums/ Arbitration proceedings etc. (outside IFCI's panel/ outside fee structure)	At HO/RO: <i>Fee up-to Rs.7.5 Lakhs:</i> GM (Law) with report to concerned CGM/Vertical Head.  <i>Fee in excess of Rs.7.5 lakh:</i> C&OC