

SCHEME FOR APPOINTMENT OF ARBITRATORS, 1996

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SCHEME FOR APPOINTMENT OF ARBITRATORS, 1996

In exercise of the power conferred by sub-section (10) of section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'Act'), the Chief Justice of the High Court of Delhi, hereby makes the following Scheme:

1. Short title :-

This scheme may be called the scheme for appointment of Arbitrators, 1996.

2. Submission of request :-

(i) The request under sub-section (4) or sub-section (5) or sub-section (6) of section 11 of the Act shall be made in writing in the form prescribed in Appendix I and shall be accompanied by-

(a) The original arbitration agreement or a true copy thereof;

(b) An affidavit supported by the relevant documents or true copies thereof the effect that the condition to be specified under sub-section (4) or sub-section (5) or sub-section (6) of section 11 of the Act, as the case may be, before making the request to the person designated by the Chief Justice, has been satisfied.

(ii) The request referred to in sub-para 2(i) of this para shall be accompanied by as many copies of the request together with items

(a) and (b) of sub-para 2(i), as the number of parties to the arbitration agreement or such number which the person designated in para 3 of the scheme may direct.

(iii) In case the person making the request does not have the arbitration agreement or a copy thereof, he shall file an affidavit giving relevant facts in that behalf and request them the opposite party may be directed to produce the original or a copy thereof.

3. Authority to deal with the request :-

(i) For the purpose of dealing with the request made under para 2, the Chief Justice hereby designates:

(a) The Civil Judge where the value of the subject matter does not exceed Rs. 1 lakh,

(b) The District Judge/Addl. District Judge where the value of the subject matter does not exceed Rs. 5 lakhs, and

(c) The Judge of the High Court exercising ordinary original civil jurisdiction, where the value of the subject matter exceeds Rs. 5 lakhs.

(ii) The requests falling under sub-para (a) of para 3 shall initially be placed before Senior Civil Judge for appropriate allotment;

Note : In exercise of the powers conferred by s. 11(10) of the Act, the Chief Justice of Delhi High Court made this Scheme by virtue of sub-ss. (4), (5) or (6) thereof. the requests falling under sub-para (b) of para 3 shall initially be placed before the District Judge for appropriate allotment; and the request made under sub-para (c) of para 3 shall initially be placed before the Judge-in-charge on the Original Side of the High Court for appropriate allotment.

4. Seeking further information :-

(i) The person designated under para 3 may seek such further information or clarification or documents from the party making the request under this scheme, as he may deem fit.

(ii) The party making the request shall file as many copies of the written information or clarification or copies of documents as may be required to be filed by the person designated in para 3 of this scheme.

5. Rejection of request :-

Where the request made by any party under paragraph 2 is not in accordance with the provisions of this scheme, the person designated in para 3 may reject the same.

6. Notice to affected person :-

Subject to the provisions of paragraph 5, the person designated in para 3 shall direct that a notice of the application be given to all the parties to the arbitration agreement and to such other person or persons as may seem to him likely to be affected by such request to show cause within the time specified in the notice, as to why the appointment of the arbitrator(s) or the measures proposed to be taken should not be made or taken and such notice shall be accompanied by copies of all documents referred to in para 2, as the case may be, by the information or clarification or copies of documents, if any, sought under paragraph 4.

7. Intimation of action taken on request :-

The appointment made or measures taken by the persons designated in para 3 in pursuance of the request under paragraph 2 shall be communicated in writing to-

- (a) the parties to the arbitration agreement;
- (b) the arbitrators, if any, already appointed by the parties to the arbitration agreement;
- (c) the person or institution, if any, to whom or to which any function has been entrusted by the parties to the arbitration agreement under the appointment procedure agreed upon by them;
- (d) the arbitrator appointed in pursuance of the request.

8. Request and communications to be sent to authorised officer :-

All request under the scheme and communications relating thereto shall be presented to the office authorised by the persons designated in para 3 and the said officer shall maintain a separate register of such requests and communications. Whenever requests under para 2 are received the authorised officer shall as soon as may be, place the same before the persons designated in para 3.

9. Delivery and receipt of written communications :-

The provisions of sub-sections (1) and (2) of section 3 of the Act shall, so far as may be, apply to all written communications

received or sent under this scheme.

10. Costs for processing requests :-

The party making a request under this scheme shall, along with the request for arbitration pay an amount of Rs. 250 in case the request is made to the person designated under para 3(a) of this scheme, Rs. 500 in case the request is made to a person designated under para 3(b), and Rs. 1,000 in case request is made to a person designated under para 3(c).

11. Interpretation :-

(i) If any question arise with reference to the interpretation of any of the provisions of this scheme before a person designated under para 3(c) of this scheme, it shall be decided by that person.

(ii) In case the question arises before the person designated in paras 2(a) and (b) of this scheme, the said person shall formulate the question and refer the same for decision of the Chief Justice or a Judge of the High Court of Delhi designated by the Chief Justice.

(iii) The decision by the person to whom the question is referred to as stated in para I (i) or (ii) shall be final.

12. Power to amend the scheme :-

The Chief Justice may, from time to time amend, by way of addition or variation or deletion, any provision of this scheme.