

Scheme for appointment of Arbitrators, 1996

ANDHRA PRADESH

India

Scheme for appointment of Arbitrators, 1996

Rule SCHEME-FOR-APPOINTMENT-OF-ARBITRATORS-1996 of 1996

- Published on 24 July 1996
- Commenced on 24 July 1996
- [This is the version of this document from 24 July 1996.]
- [Note: The original publication document is not available and this content could not be verified.]

Scheme for appointment of Arbitrators, 1996Last Updated 27th August, 2019In partial modification of the Scheme made under sub-section (10) of Section 11 of the Arbitration and Conciliation Ordinance, 1996, dated 24-07-1996 the Hon'ble the Chief Justice of the High Court of Andhra Pradesh, Hyderabad, hereby makes the revised Scheme under the Act as follows, -

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 to the effect that the condition to be specified under sub-section (4) or subsection (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 original arbitration agreement or a copy thereof, he shall file an affidavit giving relevant facts in that behalf and request that the opposite party may be directed to produce the original or a copy thereof.(c)Petition prescribed in appendix-II.

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 Subordinate Judge including the Additional Judge in the Twin Cities of Hyderabad and Secunderabad, where the value of the subject matter does not exceed Rs. 1,00,000/- (b) The District Judge/Additional District Judge including the Chief Judge/Additional Chief Judge, City Civil Court in the Twin Cities of Hyderabad and Secunderabad, where the value of the subject matter does not exceed Rs. 5,00,000/- (c) The judge of the High Court who at the relevant time has been allotted original side work in the High Court, where the value of the subject matter exceeds Rs. 5,00,000/-, but does not exceed Rs. One Crore; and (d) The Chief Justice of High Court, where the value of the subject matter exceeds Rs. One Crore. (ii) The requests falling under sub-para (a) of para 3 shall be placed before the Subordinate Judge, having jurisdiction to try a suit in respect of a dispute arising out of contract or matter in respect of which there is an arbitration agreement, Where there is more than one Sub-Judge, the request shall initially be placed before the Principal Subordinate Judge or First Additional Judge in the Twin Cities of Hyderabad and Secunderabad, as the case may be for appropriate allotment; The requests falling under sub-para (b) of para 3 shall initially be placed before the District Judge or the Chief Judge, City Civil Court in the Twin Cities of Hyderabad and Secunderabad, as the case may be for appropriate allotment. The requests falling under sub-para (c) of para 3 shall be placed before the judge of the High Court to whom the original side work in the High Court has been allotted at the relevant time: The requests falling under sub-para (d) of para 3 shall be placed before the Chief Justice of the High Court, who may, in his discretion take it up for consideration or make it over to any other judge of the High Court.

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 or 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 person 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. Requests and communications to be sent to the Authorised Officer.

- All requests under the scheme and communications relating thereto shall be presented to the Officer authorised by the person 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 after scrutiny and on their being found to be in order place the same before the concerned authority designated in Para 3. In case, the requests filed under Para-2 are found to be defective they may be returned for compliance with the objections taken. Until otherwise notified in respect of persons designated under Clauses (a) and (b) of sub-para-1 of Para-3, the Authorised Officer shall be the Chief Ministerial Officer of the Court concerned; and in respect of persons designated under Clause (c) of sub-para-1 of para-3, and the Chief Justice, the Registrar (Judl), High Court of Andhra Pradesh. Hyderabad or any other Officer authorised by him shall be the Authorised Officer.

9. Delivery and receipt of written communications.

- The provisions of subsections (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. The designated person or the Chief Justice of High Court, as the case may be may call for and maintain such list or lists of institution or individuals who in their opinion by virtue of technical qualifications and experience in various fields are fit to be nominated as arbitrators.

10. Costs for processing requests.

- The party making a request under this Scheme shall 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 person designated under Para 3(b); and Rs. 1,000/- in case the request is made to person designated under Para 3(c) and Rs. 2,000/- in case the request is made to the Chief Justice of the High Court under Para 3(d) in the form of Court fee stamps. Process fee chargeable for serving and executing process be paid as per the Process fee Rules, 1965 in the Form of Court Fee Stamps.

11. Interpretation.

- (i) If any question arises with reference to the interpretation any of the provisions of this Scheme before a person designated as per Para 3(c) of this Scheme or the Chief Justice of the High Court as per Para 3(d). it shall be decided by that person or the Chief Justice the High Court, as the case may be.(ii)In case the question arises before the person designated under Para 3(a) and (b) of the 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 Andhra Pradesh designated by the Chief Justice:(iii)The decision by the person to whom the question is referred to as stated in Para 11(i) or (ii) shall be final.

12. Power to amend the Scheme.

- The Chief Justice may, from time to time, amend, delete, vary, reframe, add, substitute any provision or do any other act required by the Act, Rules or the Scheme.Appendix IBeforeArbitration Application No.....of

1. Provision under which the application is filed.

2. Name (s) of the applicant (s) with complete Address (es)

3. Name (s) of the other parties to the arbitration agreement with complete Addresses.

4. Names and addresses of the arbitrators, if any, already appointed by parties.

5. Name and Address of the person or Institution, if any, to whom any function has been entrusted by the parties to the arbitration agreement under the appointment procedure agreed upon by them.

6. Qualification requirements, if any, of the arbitrator by the agreement of the parties.

7. A brief written statement describing the general nature of the disputes and the points at issue.

8. Valuation of the subject matter.

9. Relief or the remedy sought.

Date: Signature of the Applicant, Signature of the Advocate, if any.

Appendix-III In the High Court of Judicature of Andhra Pradesh, Hyderabad (Special Original Jurisdiction) Arbitration Application No..... of

Between:

..Petitioner.

vs.

..Respondent.

Arbitration Application filed under Section 11(c) of the Arbitration and Conciliation Act 1996 R/W Scheme for appointment of Arbitrator 2000.

Petition under Section 11 (c) of Arbitration and Conciliation Act, 1996 praying that the Hon'ble Court may please do (Type the Prayer).

Counsel for the
Applicant.