

Scheme for Appointment of Arbitrators, 1996

RAJASTHAN

India

Scheme for Appointment of Arbitrators, 1996

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

- Published on 6 March 1997
- Commenced on 6 March 1997
- [This is the version of this document from 6 March 1997.]
- [Note: The original publication document is not available and this content could not be verified.]

Scheme for Appointment of Arbitrators, 1996Published vide Notification No. 2/S.R.O./97, dated 6.3.1997-Rajasthan Gazette, Extraordinary, Part 1-B, dated 24.5.1997 page 177(1) = 1998 RSCS/Part 2/Page 199/H. 153In exercise of the powers conferred by sub-section (10) of Section 11 of the Arbitration and Conciliation [Act] [Notification No. 1/S.R.O./2000, dated 23.2.2000-Rajasthan Gazette, Extraordinary, Part 1-B, dated 30.3.2000, page 79 = 2001 RSCS/Part II/ Page 288/H. 196.], 1996 [hereinafter referred to as [(Act)]] [Notification No. 1/S.R.O./2000, dated 23.2.2000-Rajasthan Gazette, Extraordinary, Part 1-B, dated 30.3.2000, page 79 = 2001 RSCS/Part II/ Page 288/H. 196.] the Chief Justice of the High Court of Judicature for Rajasthan, 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] [Notification No. 1/S.R.O./2000, dated 23.2.2000-Rajasthan Gazette, Extraordinary, Part 1-B, dated 30.3.2000, page 79 = 2001 RSCS/Part II/ Page 288/H. 196.] 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 sub-section (5) or sub-section (6) of Section 11 of the [Act] [Notification No. 1/S.R.O./2000, dated 23.2.2000-Rajasthan Gazette, Extraordinary, Part 1-B, dated 30.3.2000, page 79 = 2001 RSCS/Part II/ Page 288/H. 196.], 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.

3. Authority to deal with the request.

- [On receipt of a request under paragraph 2 the matter shall be dealt with by the Judge designated in that behalf by the Chief Justice.Provided that nothing hereinabove shall be constructed as abrogating the power of the Chief Justice to deal with the request himself.] [Notification No. 02/S.R.O./2006, dated 31.5.2006-Rajasthan Gazette, Extraordinary, Part 1-B, page 15 = 2006 RSCS/Part II/ Page 539/H. 384 (for its Hindi version see 2007 RSCS/Part II/ Page 454/H. 426.)]

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 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 Authorised Officer.

- [All requests under the Scheme and communications relating thereto shall be presented to the Officer authorised by the Chief Justice.] [Notification No. 02/S.R.O./2006, dated 31.5.2006-Rajasthan Gazette, Extraordinary, Part 1-B, page 15 = 2006 RSCS/Part II/ Page 539/H. 384 (for its Hindi version see 2007 RSCS/Part II/ Page 454/H. 426.)]

9. Delivery and receipt of written communications.

- The provisions of sub-sections (1) & (2) of Section 3 of the [Act] [Notification No. 1/S.R.O./2000, dated 23.2.2000-Rajasthan Gazette, Extraordinary, Part 1-B, dated 30.3.2000, page 79 = 2001 RSCS/Part II/ Page 288/H. 196.] shall, so far as may be, apply to all written communication received or sent under the Scheme.

10. Costs for processing requests.

- [The party making a request under this Scheme shall, alongwith the request for arbitration pay an amount of Rs. 1,000/-]. [Notification No. 02/S.R.O./2006, dated 31.5.2006-Rajasthan Gazette, Ordinary, Part 1-B, page 15 = 2006 RSCS/Part II/ Page 539/H. 384 (for its Hindi version see 2007 RSCS/Part II/ Page 454/H. 426.)]

11. Interpretation.

- [If any question arises as to interpretation of any provisions of this Scheme it will be decided by the Judge referred to in para 3 or by the Chief Justice as the case may be.] [Notification No. 02/S.R.O.12006, dated 31.5.2006-Rajasthan Gazette, Ordinary, Part 1-B, page 15 = 2006 RSCS/Part II/ Page 539/H. 384 (for its Hindi version see 2007 RSCS/Part II/ Page 454/H. 426)]

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. Appendix - I Before..... Arbitration Application No. : of 199

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 required 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

Signature of the applicantDate :Signature of the Advocate, if any