

# **Scheme for Appointment of Arbitrators by the Chief Justice of Punjab and Haryana High Court, 2003**

PUNJAB

India

## **Scheme for Appointment of Arbitrators by the Chief Justice of Punjab and Haryana High Court, 2003**

### **Rule**

### **SCHEME-FOR-APPOINTMENT-OF-ARBITRATORS-BY-THE-CHIEF-JUSTICE-OF-COURT-OF 2003**

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Scheme for Appointment of Arbitrators by the Chief Justice of Punjab and Haryana High Court, 2003Published vide Notification No. 271 Rules/16.A.129, dated The 17th September, 2003No. 271 Rules/16.A.129. - In exercise of the powers conferred on the Chief Justice of the High Court of Punjab and Haryana under sub-section (10) of Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the Act) and in supersession to the Notification No. 398 Rules/XVI.A.129, dated 19th December, 1996, I hereby make the following Scheme :-

#### **1. Short Title.**

- This Scheme may be called the Scheme for Appointment of Arbitrators by the Chief Justice of Punjab and Haryana High Court, 2003.

#### **2. Submission of Request.**

- 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, signed and verified and accompanied by :-(a)the original arbitration agreement or a duly certified copy thereof;(b)the names and addresses of the parties to the arbitration agreement;(c)the names and addresses of the arbitrators, if any, already appointed;(d)the names and address of the person or institution, if any, to whom or which any function has been entrusted by the parties to the arbitration agreement under the appointment procedure agreement upon by him;(e)the qualifications required, if any, of the arbitrators by the agreement of the parties;(f)a brief written statement describing the general nature of the dispute and the points at issue;(g)the relief or

remedy sought; and(h)an affidavit, supported by the relevant documents to the effect that the condition to be satisfied 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 has been satisfied and how it has been so satisfied.[3. Authority to Deal with the Request. - A request for appointment of an Arbitrator shall be dealt with by the Chief Justice himself or he may designate any Judge of the High Court for this purpose by a general or special order.] [Substituted vide High Court Notification No. 197 Rules/16.A.129. dated 13.7.2006.]

#### **4. Requests and Communications to be sent to Registrar.**

(1)All requests under the Scheme and communications relating thereto, which are addressed to the Chief Justice, shall be presented to Registrar of the High Court, who shall maintain a separate Register of such requests and communications;(2)The Registrar shall examine the memo of request and submit his report to the Chief Justice or to his designate, as the case may be, as to whether the request has been made in accordance with para 2 and payment of Court fee in accordance with para 10.

#### **5. Seeking Further Information.**

- The Chief Justice or his designate may seek such further information or clarification or documents from the party making the request under this Scheme as the may deem fit and the party making the request shall file as many copies of the written information or clarification or copies of the written information or clarification or copies of documents as may be required.

#### **6. Rejection of.**

- Where the request made by any party is not in accordance with the provisions of this Scheme the Chief Justice or his designate may reject the same.

#### **7. Notice to Affected Persons.**

- Where the request is not rejected under para. 6 the Chief Justice or his designate 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 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, the information or clarification or copies of documents, if any, sought under para. 5, as the case may be.

#### **8. Intimation of Action Taken on Request.**

- The appointment made or measures taken by the Chief Justice or his designate shall be communicated in writing to:-(a)the parties to the arbitration agreement;(b)the arbitrator, if any,

already appointed by the parties to the arbitration agreement;(c)the person or the institution referred to in para 2(d); and(d)the arbitrator appointed in pursuance of the request.

## **9. Delivery and Receipt of Written Communication.**

- 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. Cost for processing requests. - A request under para 3 shall be accompanied by the Court fee stamps of Rs. 1,000/-.] [Substituted vide High Court Notification No. 197 Rules/16.A.129. dated 13.7.2006.]

## **11. Interpretations.**

- If any question arises, with reference to the interpretation of any of the provisions of this Scheme, the question shall be referred to the Chief Justice whose decision shall be final.

## **12. Power to Amend the Scheme.**

- The Chief Justice may from time to time amend by way of addition or variation any provision of this Scheme.