

# **Scheme for Appointment of Arbitrators by The Chief Justice of Madhya Pradesh High Court, 1996**

MADHYA PRADESH

India

## **Scheme for Appointment of Arbitrators by The Chief Justice of Madhya Pradesh High Court, 1996**

### **Rule**

### **SCHEME-FOR-APPOINTMENT-OF-ARBITRATORS-BY-THE-CHIEF-JUSTICE-OF-1996**

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Scheme for Appointment of Arbitrators by The Chief Justice of Madhya Pradesh High Court, 1996 Published vide Notification No. C-6010-2-15-28-41, dated 20th November, 1996, M.P. Gazette dated 13-12-1996 pp. 423-24 Notification No. C-6010-II-15-28-41, dated 20th November, 1996. - In exercise of the powers conferred by sub-section 10 of Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the Act) the Chief Justice of the High Court of Madhya Pradesh hereby makes the following Scheme:-

#### **1. Short title.**

- This scheme may be called the Scheme for Appointment of Arbitrators by the Chief Justice of Madhya Pradesh High Court, 1996.

#### **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 name 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 agreed upon by them;(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.**

(1)For the purpose of dealing with the request made under paragraph 2 the Chief Justice hereby designates the District Judge/Addl. Judge to the Court of District Judge, where the value of the subject matter does not exceed 25 lakhs rupees.(2)The request involving the subject matter exceeding 25 lakh rupees 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.(3)The request falling under sub-para (1) shall be placed before the District Judge for appropriate allotment and the request falling under sub-para (2) shall be placed before the Chief Justice or his designate.

### **4. Requests and communications to be sent to Addl. Registrar (Judicial).**

(1)All requests under this Scheme and communications relating thereto, which are addressed to the Chief Justice shall be presented to the Addl. Registrar (Judicial) of the High Court, who shall maintain a separate Register for such requests and communications.(2)The Addl. Registrar (Judicial) 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 paragraph 2 and payment of court fee in accordance with paragraph 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 he may deem fit and the party making the request shall file as many 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 designed may reject the same.

### **7. Notice to affected persons.**

- Where the request is not rejected under paragraph 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 paragraph 2 or, the information or clarification or copies of documents, if any, sought

under paragraph 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 paragraph 2 (d); and(d)the arbitrator appointed in pursuance of the request.

## **9. Delivery & Receipt of written communication.**

- The provision of sub-section (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.**

- A request under paragraph 3 (1) shall be accompanied by court fee stamp of Rs. 500/- and under paragraph 3 (2) by Rs. 1000/-.

## **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.