

The M.P. Arbitration Rules, 1997

MADHYA PRADESH

India

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Rule THE-M-P-ARBITRATION-RULES-1997 of 1997

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The M.P. Arbitration Rules, 1997 Published vide Notification No. C-966-3-15-28-41, dated 25th February, 1997, M.P. Rajpatra, Part, 4(Ga), dated 14-3-1997, pp 24-25 Notification No. C-966-III-15-28-41, dated 25th February, 1997. - In exercise of the powers conferred by Section 82 of The Arbitration & Conciliation Act, 1996 (26 of 1996), the High Court of Madhya Pradesh makes the following Rules as to the proceeding before the Courts under the Act, namely-

1.

These rules may be called The Madhya Pradesh Arbitration Rules, 1997

2.

They shall come into force from the date of their publication in the "Madhya Pradesh Rajpatra".

3.

In these Rules "Act" means the Arbitration and Conciliation Act, 1996. Other expression not defined herein shall carry the same meaning as they do under Section 2 of Act.

4.

(1) Every application under Section 9, Section 14, Section 17, Section 27, Sections 34, 39 and Section 43 of the Act shall be made in writing duly signed and verified in the manner prescribed by Order VI, Rules 14 and 15 of the Code of Civil Procedure, 1908 and if the Court so directs, shall be supported by an affidavit. It shall be divided into paragraphs numbered consecutively and shall contain the name, description and place of residence of the parties. It shall contain a statement in concised form-(a) of the material facts constituting cause of action; (b) of facts showing that the Court to which the application is presented has jurisdiction; (c) relief asked for; and (d) names and address

of the persons liable to be affected by the application: Provided that where a party, by reason (1) absence or for any other reason, is unable to sign and verify the same, it may be signed and verified by any person duly authorised by him in this behalf and is proved to the satisfaction of the Court to be acquainted with the facts of the case. (2) An application for enforcement of an arbitration award under Section 36 or a foreign award under Section 47 or Section 56 shall be in writing signed and verified by the applicant or by some other person proved to the satisfaction of the Court to be acquainted with the facts of the case, and shall contain in a tabular form the particulars prescribed in sub-rule (2) of rule of Order 21 of the Code of Civil Procedure, 1908.

5.

The Court Fees (in Court fee stamp) on the application/ Vakalatnama/ Appeal made/ preferred to the Court/ Court of appeal under the Act shall be payable according to the Schedule below:-

Schedule

A-Applications

S. No.	Nature of Application	Amount of Court Fee
1.	Application under Section 9	Rs. 300.00
2.	Application under sub-section (1) of Section 17	Rs. 50.00
3.	Application under Section 34.	Rs. 500.00
4.	Application under Sections 14, 27, 36, 39, 43	Rs. 200.00
5.	Application under Sections 47 and 56	Rs. 1000.00
6.	Any other application	Rs. 50.00
7.	Vakalatnama	As prescribed under the Court Fees Act, 1870

B-Appeals

S. No.	Nature of Application	Amount of Court Fee
1.	Appeal against an order on an application under Section 9	300.00
2.	(a) Appeal against order of the Arbitral Tribunal accepting the plea referred to in sub-section (2) or sub-section (3) or Section 16	300.00
3.	Appeal against an order on an application under Section 34	500.00
4.	Appeal against an order refusing to refer the parties of arbitration under Sections 45 and 54	300.00
5.	Appeal against an order refusing to enforce a foreign award under Section 48 and sub-section (2) of Section 57	500.00
6.	Where the application made by the party is not in accordance with the provisions of these rules, the Court may reject the application.	
7.		

Every application shall, if the Court is satisfied that the same is in order, be numbered and registered as an arbitration case and every appeal shall be registered as an arbitration appeal.

The Court to which an application is presented shall direct notice thereof to be given to the opposite party and to such other persons as are likely to be affected by the

8. proceedings requiring to show cause within a time to be specified in the notice why the relief sought in the application be not granted. The notice shall be accompanied by a copy of the application and documents filed by the applicant.

9. (1) Save as otherwise expressly provided in the Act or these Rules the following provision of the Code of Civil Procedure, 1908, (V of 1908) shall apply to the proceedings before a Court in so far as they may be applicable thereto; namely-

- (i) Sections 28, 31, 35, 35A, 35B, 107, 133, 135, 148A, 149, 151 and 152, and,
(ii) Order III, V, VI, IX, XIII, XIV, XVI to XXIV and XLI.

(2) (a) For the purpose of facilitating the application of the provisions referred under sub-section (1) the Court may construe them with such alterations, not affecting the substance, as may be necessary or proper to adopt to the matter before it; and

(b) The Court may, for sufficient reasons, proceed otherwise than in accordance with the said provisions if it is satisfied that the interests of the parties shall not thereby be prejudiced.

10. The process fees in relation to the proceedings before the Court shall be charged as per Chapter XX of The Madhya Pradesh Civil Court Rules, 1961 as if the proceedings were the proceedings in suit.