

Kerala Arbitration and Conciliation (Court) (Amendment) Rules, 2017

KERALA

India

Kerala Arbitration and Conciliation (Court) (Amendment) Rules, 2017

Rule

KERALA-ARBITRATION-AND-CONCILIATION-COURT-AMENDMENT-R of 2017

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Kerala Arbitration and Conciliation (Court) (Amendment) Rules, 2017Published vide Notification No. D1-20628/2003, 28th June 2017No. D1-20628/2003, 28th June 2017. - In exercise of the powers conferred by Section 82 of the Arbitration and Conciliation Act, 1996 (Central Act 26 of 1996), the High Court of Kerala hereby makes the following Rules to amend the "Kerala Arbitration and Conciliation (Court) Rules, 1997" issued as per Notification No. R25/96(SS), dated 27th October, 1997 and published in the Kerala Gazette No. 22, dated 1st June, 1999, namely:-

1. Short title and commencement.

(1)These rules may be called the Kerala Arbitration and Conciliation (Court) (Amendment) Rules, 2017.(2)They shall come into force on the date of its publication in the Kerala Gazette.

2. Amendment to the Rules.

- In the "Kerala Arbitration and Conciliation (Court) Rules, 1997.(1)In rule 2, Sub-rule (c) shall be omitted.(2)In rule 3, for sub-rule (f), the following sub-rule shall be substituted, namely:-(f)Separate application shall be filed for interim relief including interim measures under Section 9 of the Act.(3)In rule 4, after sub-rule (a), the following sub-rules shall be inserted, namely:-(aa)All applications of procedural or interim nature including applications under Section 9 of the Act filed in pending main proceedings shall be registered as Civil Miscellaneous Applications (Arbitration).(ab)Every application seeking enforcement of the award under Section 36, 49 and 58 of the Act shall be registered as Execution Petition (Arbitration), for short 'E. P.

(Arbitration)'.(4)After rule 5, the following rule shall be inserted, namely:-

5A. Application for interim measures, etc. by Court. - (1) When an application is made for an interim measure, under section 9 of the Act, the Court shall in all cases, except where it appears that the object of granting the interim measure would be defeated by the delay, before passing the interim order, direct notice of the application to be given to the opposite party.

Provided that, where it is proposed to make an order by way of interim measure without giving notice of the application to the opposite party, the Court shall record the reasons for its opinion and require applicant-(a)to deliver to the opposite party, or to send to him by registered post, immediately after the order granting the interim measure has been made, a copy of the application for interim order together with(i)a copy of affidavit filed in support of the application(ii)copies of documents on which the applicant relies(b)to file, on the day on which such interim order is granted or on the day immediately following that day, an affidavit stating that the copies aforesaid have been so delivered or sent.(2)Where an interim order has been granted without giving notice to the opposite party, the Court shall make endeavour to finally dispose of the application within thirty days from the date on which an application in that behalf has been filed by the aggrieved party.(3)In the case of an application for interim measure made before initiating arbitral proceedings, if the arbitral proceedings are not initiated within ninety days from the date of the order under Section 9 of the Act, or within such further time as the court may determine, any interim order granted shall stand vacated without any specific order being passed by the Court to that effect.