

The M.P. Madhyastham Adhikaran Niyam, 1984

MADHYA PRADESH

India

The M.P. Madhyastham Adhikaran Niyam, 1984

Rule THE-M-P-MADHYASTHAM-ADHIKARAN-NIYAM-1984 of 1984

- Published on 27 February 1985
- Commenced on 27 February 1985
- [This is the version of this document from 27 February 1985.]
- [Note: The original publication document is not available and this content could not be verified.]

The M.P. Madhyastham Adhikaran Niyam, 1984Published vide Notification No. F. 16-1-84-21-B, dated 27-2-1985; published in M.P. Rajpatra (Asadharan), dated 28-2-1985In exercise of the powers conferred by Section 29 of the Madhya Pradesh Madhyastham Adhikaran Adhiniyam, 1983 (No. 29 of 1983), the State Government hereby makes the following rules, namely :-

1. Short title.

- These rules may be called the Madhya Pradesh Madhyastham Adhikaran Niyam, 1984.

2. Definitions.

- In these rules, unless the context otherwise requires :-(a)"Act" means the Madhya Pradesh Madhyastham Adhikaran Adhiniyam, 1983 (No. 29 of 1983);(b)"Form" means a form appended to these rules;(c)"Schedule" means a Schedule appended to these rules;(d)"Section" means section of the Act.

3. Salary of Chairman and member.

(1)When Chairman or member of the Tribunal, at the time of his appointment as such, is a Judge of the High Court, District Judge, Commissioner or Chief Engineer, he shall be entitled to the same pay and allowances as admissible to him as a Judge of the High Court, District Judge, Commissioner, or Chief Engineer in their respective scales of pay and allowances, as the case may be :[Provided that the District Judge, Commissioner or Chief Engineer, shall be entitled to get pay not less than the pay in the sanctioned pay scale of a member.] [Inserted by Notification No. 16-4-97-XXI-B (II), dated 3-11-1997.](2)[When Chairman of the Tribunal at the time of his appointment as such, is a retired Judge of the High Court and is in receipt of or has become entitled to receive any retirement benefits any way of pension, gratuity or otherwise, he shall be entitled to such monthly pay (including

dearness allowance) as was admissible to him at the time of retirement as Judge of the High Court and all such other allowances as are admissible from time to time to a sitting Judge of the High Court, minus pension (including any portion of pension which may have been commuted) and the pension equivalent of other retirement benefits, if any, as his pay and allowances.(3)When Member of the Tribunal at the time of his appointment as such, is a retired District Judge, Commissioner or Chief Engineer and is in receipt of or has become entitled to receive any retirement benefits by way of pension, gratuity or otherwise, he shall be entitled to the last pay drawn and dearness pay and dearness allowance, interim relief and such other benefits appropriate to the last pay at the rates admissible from time to time to a District Judge, Commissioner or Chief-Engineer respectively, minus pension (including any portion of pension which may have been commuted) and the pension equivalent of other retirement benefits if any as his pay and allowances :] [Substituted by Notification No. F-16-4-1987-XXI-B, dated 27-10-1987.][Provided that such amount shall not be less than the Pay admissible in the sanctioned pay scale applicable to a member minus pension.] [Inserted by Notification No, F-16-4-97-XXI-B-(II), dated 3-11-1997.]

4. Continuance as Chairman or member after his retirement from the parent post.

- When, Chairman or member of the Tribunal, at the time of his appointment as such was a Judge of the High Court, District Judge, Commissioner or Chief Engineer and during his tenure of Chairman or member, he retires from the post of a Judge of the High Court, District Judge, Commissioner or Chief Engineer, as the case may be, in accordance with the terms and conditions applicable to him prior to his appointment as Chairman or member, he shall continue as such till the completion of his tenure, and from the date of retirement his pay [and allowances] [Substituted by Notification No. F-16-3-85-XXI-B, dated 28-1-1986.] shall be governed in accordance with the provisions of these rules as if he is appointed as Chairman or member after his retirement from the post of a Judge of the High Court, District Judge, Commissioner or Chief Engineer, as the case may be, in accordance with Rule 3 above.

5. [Perquisites. [Substituted by Notification No. F-16-3-85-XXI-B, dated 28-1-1986.]

- [(1)] The Chairman shall be entitled to such perquisites as are admissible to a Judge of the High Court:Provided that he shall not be entitled to any perquisite, if any other facility in lieu thereof is provided to him by the State Government.(2)[Members shall be paid such other perquisites as may be determined by the State Government] [Inserted by Notification No. F-16-4-86-XXI-B, dated 25-5-1987.] .]

6. Conditions of service.

- Chairman and members shall be governed by the same condition of service as are applicable to the prior of their appointment as such.

7. Reference.

(1)Reference shall be made by a petition in Form A.(2)The person making the petition shall be called the petitioner and any person served with notice thereof shall be called the respondent.(3)Every petition shall be divided into paragraphs numbered consecutively and shall contain brief contents of the contract, differences and nature thereof, relief asked for, valuation of the petition and shall clearly specify the persons liable to be affected thereby, with a list of reliance of documents on which he seeks to base his claim.

8. Notice.

- Notice under sub-section (4) of Section 8 shall be issued to the respondent (Opposite Party) in Form 'B'.

9. Conditions for inspection.

- The records and documents forming part of the record of the case shall be open to inspection of all parties or their agents or legal practitioners during office hours of the Tribunal subject to the condition that-(i)the inspection may be made at such place and under the supervision of such officer as may be determined by the Chairman;(ii)every person seeking inspection shall prior to taking inspection, enter the necessary particulars in the inspection book kept for the purpose, including the time taken in inspection;(iii)the pen and ink should not be used. Pencil and paper may be used but no marks shall be made on any record or paper inspected. Any person infringing this condition may be deprived by order of the Tribunal of the right of such inspection for such period as it may direct;(iv)the applicant only shall be permitted to inspect record or to take notes or extract;(v)the inspection must be completed and the record returned within the office hours of the day on which the record was taken out for inspection;(vi)failure to make inspection by the applicant within one week from the date on which inspection was ordered, the order shall lapse and no further inspection shall be allowed without a fresh application.

10. Fees.

- Fees for :-(i)inspection of records and documents;(ii)reference (petition), affidavits, vakalatnama, documents and other applications.(iii)[application for preparation of certified copies of award, interim award, order, opinion, certificate, and record of proceedings before the Tribunal or Bench thereof; [Substituted by Notification No. 16-3-85-XXI-B, dated 28-1-1986.](iv)supply of copies of award, interim award and other documents; and(v)process;shall be as specified in the schedule]Form A[See Rule 7]Form of PetitionBefore the Arbitration Tribunal, Madhya PradeshPetition No.....19.....In the matter of arbitration between..... S/o Shri..... age..... profession..... resident of..... Tahsil..... District..... Petitioner,and..... S/o Shri..... age..... profession..... resident of..... Tahsil..... District..... Respondent.

1. The petitioner aforesaid entered into contract with the respondent above named on

2. The contract provided that:-

(1).....(2)..... (Brief contents of the contract)(3).....

3. The following difference/s has/have arisen between the parties.

(1).....(2)..... (State the differences and nature thereof)(3).....

4. The following documents are replied upon/attached.

(1).....(2).....(3).....

5. The valuation for the purposes of court-fees Rs..... and the amount of court-fees affixed.

6. The petitioner hereby prays that-

(1)the difference arising between the parties be settled and an award in favour of the petitioner may be issued;(2)any other relief which the Tribunal considers fit and necessary may be granted;Date.....Petition Verification I,.....S/o.....resident of.....hereby verify that the contents of paras..... to..... are true to the best of my knowledge and belief.Date.....Petitioner.Form B[See Rule 8]Form of NoticeIn the matter of Arbitration betweenShri..... S/o Shri..... age..... profession..... resident of..... Tahsil..... District..... Petitioner,andShri..... S/o Shri..... age..... profession..... resident of..... Tahsil..... District..... Respondent.To,Shri.....(Address)Whereas the petitioner above named has on the.....day of.... 19..... presented the petition which has been numbered and registered as petition No.....of 19..... for deciding the matter of differences arising between you and the petitioner with the contract entered on the..... day of..... 19.... between him and yourself and issuing an award accordingly.You are hereby required to appear before the Tribunal in person or through your duly instructed agent or advocate on..... day of..... 19..... at..... O'clock in the..... noon to answer the differences and you are directed to file reply to the said petition and to produce all the documents upon which you intend to rely in support of your defence on or before the said date.Take notice that, in default of your appearance on the day before mentioned, the petition will be heard and determined in your absence.Given under my hand and the seal of the Tribunal, this..... day of.....19.....Registrar

Schedule

[See Rule 10]Table of Fee

S. No.	Description	Fees
		Fifty percent of the ad-volorem as mentioned in the table to Article 1-A of Schedule I of the Court-fees Act, 1870 (No. VII of 1870) in its application to the State of Madhya Pradesh.
1.	Petition (Reference)	
2.	Affidavit	Same as prescribed by the High Court in petition etc. before it.
3.	Vakalatnama	do
4.	Documents	do
5.	Other applications	do
6.	Inspection of records and documents	do
7.	Application for preparation of certified copies of award, interim award, order, opinion, certificate and record of proceedings before the Tribunal or Bench thereof	do
8.	Supply of certified copies of award interim award and other documents	do
9. [[Inserted by Notification No. 16-3-85-XXI-B, dated 38-1-1986.]	Process	do]