

# **The M.P. Swayatta Sahakarita Madiiyastham Parishad Niyam, 2006**

MADHYA PRADESH

India

## **The M.P. Swayatta Sahakarita Madiiyastham Parishad Niyam, 2006**

### **Rule**

### **THE-M-P-SWAYATTA-SAHAKARITA-MADIYASTHAM-PARISHAD-NIYAM of 2006**

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The M.P. Swayatta Sahakarita Madiiyastham Parishad Niyam, 2006Published vide Notification No. Co. Tr.P.-7-701, dated 27-6-2007, M.P. Rajpatra, Part 4 (Ga), dated 6-7-2007 at pages 159-160In exercise of the powers conferred by sub-section (2) of Section 57 of the Madhya Pradesh Swayatta Sahakarita Adhiniyam, 1999 (No. 2 of 2000), the Madhya Pradesh State Co-operative Tribunal hereby makes the following rules, namely:-

## **Chapter I Preliminary**

### **1. Short title and commencement.**

(1)These rules may be called the Madhya Pradesh Swayatta Sahakarita Madhyastham Parishad Niyam, 2006.(2)They shall come into force on the date of their publication in the "Madhya Pradesh Gazette".

### **2. Definitions.**

(1)In these rules, unless the context otherwise requires,-(a)"Act" means the Madhya Pradesh Swayatta Sahakarita Adhiniyam, 1999 (No. 2 of 2000);(b)"Advocate" and "legal practitioners" shall have the same meaning as assigned to them in the Advocates Act, 1961 (No. 25 of 1961);(c)"Agent" means person duly authorized by the parties to present application or reply on its behalf before the

Arbitration Council; and(d)"Parties" means appellants or applicants, and respondent or non-applicant.(2)Words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Act.

## **Chapter II**

### **Procedure and Powers of the Arbitration Council**

#### **3. Place of sitting.**

- The place of sitting of the Arbitration Council shall be the registered office of the applicant's co-operative, and the manager of the co-operative shall be responsible for providing all necessary assistance to the Arbitration Council in respect of day-to-day working of the Arbitration Council.

#### **4. Working days and working hours.**

- The working days and working hours of the Arbitration Council shall be in accordance with the notification of the Arbitration Council.

#### **5. Court fees.**

(1)The Court fees on each application shall be Rs. 200/-and the expenses in respect of summoning of witness and production of any documents or records shall be borne by the concerning co-operative.(2)Where on the fixed day of hearing it is found that the summon has not been served upon the non-applicant, in consequence of the failure by applicant to pay expenses or postal charges chargeable for such service, the Arbitration Council may make an order to dismiss the application or adjourn the same for maximum two times.

#### **6. Representation of parties.**

- No party shall be represented at the hearing of the dispute by any Legal Practitioner, except with the permission of the Arbitration Council :Provided that where the permission is so granted, the other party to the dispute shall be entitled to be represented by a Legal Practitioner.

#### **7. Exercise powers of Civil Court.**

- The Arbitration Council shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (V of 1908) in respect of the following matters, namely :-(a)issue and service of summons;(b)requiring the discovery and production of any document;(c)proof of facts by affidavit; and(d)issuing commission for examination of witnesses.

## **8. Additional Procedure.**

- The Arbitration Council may, in addition to the procedure prescribed under the rules, adopt any such procedure to achieve the ends of justice.

## **9. Time-limit of adjudication.**

- The Arbitration Council shall deliver award within six months of the registration of a dispute as far as possible.

## **10. Adjudication Procedure.**

- The Arbitration Council, shall record the evidence of the parties and witnesses in Hindi and upon the evidence so recorded and after consideration of any documentary evidence produced by either parties, shall give a decision or award as the case may be, which shall be reduced in writing and if the applicant is absent, the case may be decided ex parte: Provided that where a dispute has been decided against any party in default of non-appearance and if such party satisfies the Arbitration Council, within thirty days from the date of such default, that there was sufficient cause for its non-appearance, the Arbitration Council shall make an order setting aside the order and shall appoint a date for proceeding with the case.

## **11. Decision of the Arbitration Council.**

- The Chairman shall record the decision of the Arbitration Council after consultation with other members, and in case of difference of opinion the majority view shall prevail.

## **12. Award on conclusion of hearing.**

- The Arbitration Council shall pass its award or order within fifteen days from the date of conclusion of hearing.

## **13. Delivery of Order.**

- The Arbitration Council shall provide true copies of the final order passed by it to the concerning parties free of cost and such copies shall be delivered on the day of order either personally to parties or sent by registered acknowledgment due post, and the receipt of the order so delivered shall be kept in the file.

## **14. Clerical or Arithmetical mistakes.**

- Clerical or Arithmetical mistakes in orders or awards or errors therein due to accidental slip, may, at any time, be corrected by the Arbitration Council on its own motion or on the application of any party.

## **15. Record of the award.**

- The record of the award proceeding will be sent to the district head of the Co-operative Department in sealed cover after preparing the index of the order sheet, evidence, documents including miscellaneous papers, and each district head shall maintain the register, recording the details of award received from the Arbitration Council of the Co-operative of the district, and in case the award is in respect of two districts, the records shall be with the Joint Registrar of Co-operative Department, who shall also maintain the register in the like manner.