

The Orissa Arbitration Tribunal Rules, 1979

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Rule THE-ORISSA-ARBITRATION-TRIBUNAL-RULES-1979 of 1979

- Published on 1 January 1979
- Commenced on 1 January 1979
- [This is the version of this document from 1 January 1979.]
- [Note: The original publication document is not available and this content could not be verified.]

The Orissa Arbitration Tribunal Rules, 1979

1.

(1)These Rules may be called the Arbitration Tribunal Rules, 1979.(2)They shall come into force at once.

2.

These rules shall apply to all disputes arising out of Works Supply Contracts relating to various Public Works Department/ Corporation/Public Sector undertakings, Improvement Trusts etc. as well as other contracts with arbitration clauses, entered into by other Departments of the State Government after commencement of these Rules :Provided however that the disputes arising after the commencement of these Rules pertaining to contracts entered into prior to such date may also be referred to the Tribunal if both parties agree for such reference.

3.

In these Rules, unless there is anything repugnant in the subject or context-(a)"Government" means Government of Orissa;(b)"Tribunal" means the Arbitration Tribunal to be constituted by the State Government under the provision of Rule 4.

4.

(1)There shall be an Arbitration Tribunal consisting of three serving members of the State Government.(2)The members of the Tribunal shall be appointed by the Governor by nominating one

member from the Orissa Superior Judicial Service (Senior Branch), another technical member from one of the State P. W. D. Department not below the rank of Superintending Engineer and the third member from Orissa Finance Service not below the rank of Superior Administrative Cadre in Class I.(3)The Government may, at any time, effect any change in the composition and personnel of the Tribunal and the now member/members appointed to the Tribunal shall be entitled to proceed with the reference from the stage at which it was left by his/their predecessor, as the case may be.

5.

The terms of the member shall ordinarily be three years unless otherwise directed by Government in this regard.

6.

The member from the Superior Judicial Service, Senior Branch shall act as the Chairman of the Tribunal.

7.

Unless otherwise directed by the State Government the headquarters of the Tribunal shall be at Bhubaneswar, provided however, that the Tribunal may hold its sittings at any other place having regard to the convenience of the parties concerned.

8.

The Tribunal may require attendance of parties, correct evidence and make spot inspection in course of proceedings.

9.

It shall be competent for the Tribunal to secure the advice of experts of appropriate rank on various technical issues which it is called upon to decide in course of a proceeding.

10.

In any proceeding before the Tribunal the case may be represented by the party himself or through his duly authorised representative(s).

11.

The party invoking arbitration, shall specify the dispute to be referred to the Arbitration together with amounts claimed in respect of such dispute.

12.

The Tribunal will not entertain any claim if the contractor does not make any demand for Arbitration in writing within 90 days of receiving the intimation from the Government that the bill is ready for payment.

13.

(1) No reference to arbitration shall be maintainable unless the contractor furnishes a security deposit as prescribed in the agreement. The sums so deposited shall on the termination of the arbitration proceeding, be adjusted against the cost, if any, awarded by the Tribunal against the contractor and the balance remaining after such adjustment, or in the absence of any such cost being awarded, the whole of the sum shall be refunded to him within one month from the date of the award provided, however, that when the Government makes the reference of arbitration, no security deposit shall be required to be furnished. (2) The security deposit, as required, should be credited to Government account in challan under the head "O-65-Other Administrative Services -Administration of Justice- (S)-Other receipts", and the duly receipted challan should be presented along with the claim before the Tribunal.

14.

The Tribunal shall make an award within a period of 120 days from the date of reference. It shall however be competent to extend the period of making award from time to time with the consent of the parties to the proceeding.

15.

The Chairman and the members shall assign reasons for every award of the Tribunal. Failure to do so shall amount to breach of duty and may entail disciplinary proceedings.

16.

(1) The amount of the award given by the Tribunal shall be to the nearest rupee. (2) The award amount shall be paid by the concerned parties within a period of 120 days of receipt of the notice of such award by the party : Provided that if this amount is not paid within the stipulated period, the Tribunal shall have power to direct payment of interest on the principal amount of award.

17.

Save as otherwise provided in the Arbitration contract the provisions of Arbitration Act, 1940 shall apply to the arbitration proceedings. The decisions of the Tribunal shall be final, conclusive and binding on all parties to the contract.

18.

The Tribunal shall submit to State Government a return once in a quarter stating therein the number of cases pending before them, the age of the cases, and the approximate time for disposal of the pending cases.

19.

The Tribunal will function under the administrative control of the Irrigation and Power Department.