

Andhra Pradesh Arbitration Rules, 2000

ANDHRA PRADESH

India

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Rule ANDHRA-PRADESH-ARBITRATION-RULES-2000 of 2000

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Andhra Pradesh Arbitration Rules, 2000Published vide Notification No. Roc. No. 203/SO-1/2000Last Updated 28th August, 2019Roc. No. 203/SO-1/2000. - In exercise of the powers conferred U/s. 82 of the Arbitration and Conciliation Act, 1996 (Act 26 of 1996) the High Court hereby makes the following Rules under Arbitration and Conciliation Act.

1.

These Rules may be called the "Andhra Pradesh Arbitration Rules, 2000".

2.

They shall come into force from the date of their publication in the "Official Gazette".

3.

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

4.

(1)Every application under Sections 8, 9,14,27,34, 39 and 43of the Act shall be duly signed and verified in the manner prescribed by order VI, Rules 14 and 15 of the Code of Civil Procedure, 1908. It shall be divided into paragraphs, numbered consecutively and shall contain the name, description and place of residence of the parties. It shall state the provision of law under which it is filed and contain a statement in concise 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 addresses of the persons liable to be affected by the application.Provided that where a party, by reason of absence or for any other reason, is unable to sign and verily the same, it

may be signed and verified by any person duly authorized by him in this behalf and is proved to the satisfaction of the Court to be acquainted with the facts of the case.(2)A certified copy of the arbitration agreement and certified copies of the relevant documents shall be annexed to every such application.(3)An application filed under Section 34 shall be accompanied by, besides certified copies of relevant material documents, a signed copy of the award.(i)The arbitrator/arbitrators who made such award shall also be joined as respondent/respondents to the applications; and(ii)If it is deemed necessary, the Court may, subject to the provisions of Section 39 (2) of the Act, direct the arbitrator/arbitrators to file the original award along with all connected material documents including the minutes of the arbitral proceedings, if any, into the Court.

5.

An application for enforcement of an arbitral award under Section 36 or a foreign award under Sections 47 or 56 shall be 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 11 of Order 21 of the Code of Civil Procedure, 1908. A signed copy of the award shall accompany such application.

6.

in an application for interim measure filed under Section 9, before the commencement of the arbitral proceedings the applicant should specifically refer to the steps if any already taken to seek arbitration and that the applicant is willing and prepared to take necessary steps with utmost expedition to seek reference to arbitration in terms of the arbitration agreement/clause.

7.

Where the application made by the party is not in accordance with the provisions of these Rules, the Court may reject the application, but such rejection order shall not be made without giving an opportunity to the applicant to rectify the defects and if necessary, giving a hearing to the party.

8.

Every application shall, if the Court is satisfied that the same is in order, be numbered and registered as a Original Petition (Arbitration), for short "O.P. (Arbn)". Provided that: -(a)An application under Section 9 of the Act, if filed in a pending petition in the court, shall be registered as an Interlocutory Application (I.A).(b)Any other application of procedural or interim nature pending main proceedings shall be numbered as CMP in the High Court and I.A. in any other Court.(c)An application filed under Section 36 may be registered as Execution Petition (Arbitration), for short "E.P. (Arbn.)"

9.

Every appeal filed under Section 27 or under Section 50 or under Section 59 shall contain a concise statement of facts and the grounds of appeal and be governed by the procedural provisions relating to appeals against orders, as far as practicable.

10.

An application under Section 34 and an application under Section 36 shall be filed in the Court as defined in Section 2 (e) of the Act, subject to the special provisions contained in Section 42 of the Act.

11.

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 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.

12.

(1) Save as otherwise expressly provided in the Act or these Rules the following provisions 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, 35-A, 35-B, 107, 133, 135, 144, 148-A, 149, 151 & 152 and (ii) Orders III, V, VI, IX, XIII, XIV to XIX, XXIV and XLI. (2) (a) For the purpose of facilitating the application of the provisions referred to under sub-section (1) the Court may construe them with such alterations, into affecting the substance, as may be necessary or proper to adapt the matters 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 will not thereby be prejudiced.