

# Rajasthan Arbitration Rules, 2003

RAJASTHAN

India

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### Rule RAJASTHAN-ARBITRATION-RULES-2003 of 2003

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Rajasthan Arbitration Rules, 2003Published vide Notification No. 1/S.R.O./2004, dated 27.1.2004 - Rajasthan Gazette, Ordinary, Part 1-B, dated 19.2.2004, page 112 = 2004 RSCS/Part 2/ Page 139/H. 187 and Corrected by Errata No. Nil, dated nil-Rajasthan Gazette, Extraordinary, Part 1-B, dated 31-5-2004, page 61 = 2004 RSCS/Part 2/ Page 228/H. 235In exercise of the powers conferred by Section 82 of the Arbitration and Conciliation Act, 1996 (26 of 1996), the High Court of Judicature for Rajasthan makes the following Rules as to the proceedings before the Courts under the Act, namely:-

#### 1.

These rules may be called the Rajasthan Arbitration Rules, 2003.

#### 2.

They shall come into force from the date of their publication in the "Rajasthan Rajpatra".

#### 3.

In these Rules, unless the context otherwise requires;(a)"Act" means the Arbitration and Conciliation Act, 1996;(b)"Code" means the Civil Procedure Code, 1908 and as amended from time to time;(c)"Court subordinate" means for the purpose of these Rules, the District Court and every Civil Court of a grade inferior to that of a District Court;(d)"Schedule" means Schedules appended to these Rules;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 9, 14, 27, 34, 39 and 43 of the Act shall be made in writing duly signed and verified by the applicant or one of the applicants where there is more than one applicants in the manner prescribed by Order 6, Rules 14 and 15 of the Code and if the Courts so direct shall be supported by an affidavit. It shall, when necessary, be divided into paragraphs, numbered consecutively, each allegations being, so far as it convenient contain in a separate paragraph and shall contain name, description and place of residence of the parties. It shall 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 verify the application and sworn the affidavit in support thereof where the Court so direct, same may be signed and verified and sworn 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) An application for enforcement of an arbitral award under Section 36 shall be in writing 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. Explanation. - In sub-rule (2) of Rule 11 of Order 21 of the Code therein the words 'suit, decree, execution and executed' shall be read arbitral proceedings (or as the heading given in the arbitral award), arbitral award, enforcement and enforced, respectively. (3) The Court to which an application is made under sub-rule (2), may require the applicant to produce a certified copy of the award of which the enforcement is sought for.

**5.**

An application for enforcement of foreign award under Section 47 or 56 of the Act shall be in writing 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. The application shall be accompanied by : (a) the original award or a copy thereof, duly authenticated in the manner required by the law of the country in which it was made; (b) the original agreement for arbitration or a duly certified copy thereof; (c) such documentary evidence as may be necessary to prove that the award is a foreign award, (d) where the award or the agreement aforesaid is in a foreign language, a translation into English certified as correct by a Diplomat or Counselor of the country to which that party belongs or certified as correct in such other manner as may be sufficient according to the law in force in India. The application for enforcement of an award under Section 56 shall be further accompanied by an affidavit or affidavits showing that, - (i) the award has been made in pursuance of a submission to arbitration which is valid under the law applicable thereto; (ii) the subject-matter of the award is capable of settlement by arbitration under the law of India; (iii) the award has been made by the arbitral tribunal provided for in the submission to arbitration or constituted in the manner agreed upon by the parties and conformity with the law governing the arbitration procedure; (iv) the award has become final in the country in which it has been made, in the sense that it will not be considered as such if it is open to opposition or appeal or if it is proved that any proceedings for the purpose of contesting the validity of the award are pending; (v) the enforcement of the award is not contrary to the public policy or the

law of India.

**6.**

The Court fees (in the Court fees stamps) on the application, vakalatnama, documents etc. shall be payable according to the Schedule 1 or as prescribed under the Suit Valuation & Court Fees Act, 1870, as adopted to Rajasthan, whichever is favourable to the party.

**7.**

The applications filed under the Act, shall be numbered and registered as civil miscellaneous arbitration case in a register (Form to be prescribed).

**8.**

Where the application made by the party does not fulfill all the requirements of these rules, the Court may reject the same summarily after affording reasonable opportunity to fulfill the requirements.

**9.**

Where the Court do not reject the application summarily under Rule 8 direct notice thereof to the opposite party and to such other persons as are likely to be affected by the proceedings requiring all or any such persons to show cause within a time to be specified in the notice, why the relief prayed in the application be not granted. The notice shall be accompanied by the copy of the application, affidavit and documents, if any, filed by the applicant.

**10. Form of appeal, what to accompany memorandum.**

(1) Every appeal under Sections 37, 50 and 59 of the Act shall be preferred in the form of a memorandum signed by the appellant or his pleader and presented to the Court or to such officer as it appoints in this behalf. The memorandum shall be accompanied by a copy for the award appealed from. (2) Contents of the memorandum. - The memorandum shall set forth, concisely and under distinct heads, the grounds of objection to the award appealed from without any argument or narrative and such grounds shall be numbered consecutively. (3) The appeal filed under sub-rule (1) shall be registered as Civil Miscellaneous Arbitration Appeal in a register (Form to be prescribed). (4) The court fees (in the Court fees stamps) on the memorandum, Vakalatnama, documents etc. shall be payable according to the Schedule II or as prescribed under the Suit Valuation and Court Fees Act, 1870, as adopted to Rajasthan, whichever is favourable to the party.

**11.**

(1) Save as otherwise expressly provided in this Act or these rules, the following provisions of the Code of Civil Procedure, 1908 and as amended by C.P.C. (Amendment) Act, 1999 and 2002 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, 148-A, 151 & 152 and (ii) Orders III, V, VI, IX, XIII, XIV, XVI to XIX, XXIV, XLI and XLII. (2) (a) For the purpose of facilitating application of the provisions referred to under sub-rule (1) the Court may construe them with such alterations not affecting the substance as may be necessary or proper to adopt to 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 interest of the parties shall not thereby be prejudiced.

**12.**

In the matters not provided for in these Rules the provisions of the Rajasthan General (Civil) Rules and the Rules of the High Court of Judicature for Rajasthan, 1952, governing the proceedings of the Court subordinate and this Court so far as may be and with necessary modification and adoption apply to all proceedings including appeals under the Act, before the Court subordinate and this Court.

**13. Repeal and Savings.**

(1) The Rule 786 to 798 Chapter 31 Arbitration Rules of Rajasthan High Court for Rajasthan, 1952, are hereby repealed. (2) Notwithstanding such repeal any order made or anything done or any action taken in pursuance of the repealed rules shall be deemed to have been made, done or taken under these Rules.

**I**

S. No.	Nature of Application	Amount of Court fee
1	Application under Section 9	Rs. 250.00
2	Application under sub-section (1) of Section 17	Rs. 50.00
3	Application under Section 34	Rs. 500.00
4	Application under Sections 14, 27, 36, 39 and 43	Rs. 250.00
5	Application under Sections 47 and 56	Rs. 1000.00
6	Any other application	Rs. 50.00
7	Vakalatnama	Rs. 2.00
8	Award and other documents	Rs. 1.00

## II

S. No.	Nature of Application	Amount of Court fee
1	Appeal against an order on an application under Section 9	Rs. 250.00
2	Appeal against order of the Arbitral Tribunal, accepting the plea referred to in sub-section (2) or sub-section (3) of Section 16	Rs. 250.00
3	Appeal against an order on an application under section 34	Rs. 500.00
4	Appeal against an order refusing to refer the parties to arbitration under Sections 45 and 54	Rs. 250.00
5	Appeal against an order refusing to enforce a foreign award under Section 48 and sub-section (2) of Section 57.	Rs. 500.00