

# **Scheme for Appointment of Arbitrators by Chief Justice of High Court of J&K, 2002**

JAMMU & KASHMIR

India

## **Scheme for Appointment of Arbitrators by Chief Justice of High Court of J&K, 2002**

### **Rule**

### **SCHEME-FOR-APPOINTMENT-OF-ARBITRATORS-BY-CHIEF-JUSTICE of 2002**

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Scheme for Appointment of Arbitrators by Chief Justice of High Court of J&K, 2002(Notification No. 154, Jammu, dated 24th October, 2002)In exercise of the powers conferred on the Chief Justice of the High Court of Jammu and Kashmir under sub-section (9) of Section 11 of the Jammu and Kashmir Arbitration and Conciliation Act, 1997 and in Supersession of the scheme issued vide Notification No. 3 dated 6.4.1999, I hereby make the following scheme :

#### **1. Short title**

This Scheme may be called the scheme for appointment of Arbitrators by the Chief Justice of the High Court of Jammu and Kashmir, 2002.

#### **2. Submission of request**

The request to the Chief Justice or the Designated Person or Institution under sub-section (4) or sub-section (5) or sub-section (6) of section 11 shall be accompanied by :-(a)the original arbitration agreement or a duly certified copy thereof;(b)the names and addresses of the parties to the arbitration agreement;(c)the names and addresses of the arbitrators, if any, already appointed;(d)the name(s) and address(es) of the person(s) or institution, if any, to whom or which any function has been entrusted by the parties to the arbitration agreement under the appointment procedure agreed upon by them;(e)the qualifications required, if any, of the arbitrators by the agreement of the parties;(f)a brief written statement describing the general nature of the dispute and the points at issue;(g)the relief or remedy sought; and(h)an affidavit, supported by the relevant

documents to the effect that the condition to be satisfied under sub-section (4) or sub-section (5) or sub-section (6) of Section 11, as the case may be, before making the request to the Chief Justice, or the Designated Person or Institution has been satisfied.

### **3. Authority to deal with the request**

Upon receipt of a request under paragraph (2) , the Chief Justice may either deal with the matter or entrust to any other person or institution for that purpose [\*\*\*] [Words "where the value of the subject-matter exceeds Rs. 10 Lakh and the Chief Justice hereby designates the Principal District Judge of a District within whose territorial jurisdiction cause of action arises or as agreed by the parties in the agreement where the value of the subject-matter does not exceed Rs. 10 Lakh" omitted by Notification No. 562 dated. 09-10-2009, High Court of Jammu and Kashmir.]

### **4. Seeking further information**

The Chief Justice or the person or the institution designated by him under Paragraph 3 may seek further information or clarification from the party making the request under this Scheme.

### **5. Rejection of request**

Where the request made by any party under paragraph 2 is not in accordance with the provisions of this Scheme, the Chief Justice or the person or the institution designated by him may reject it.

### **6. Notice to affected person**

Subject to the provisions of Paragraph 5 , the Chief Justice or the person or the institution designated by him shall direct that a notice of the request be given to all the parties to the arbitration agreement and such other person or persons as may seem to him or is likely to be affected by such request to show cause, within the time specified in the notice, why the appointment of the arbitrator or the measure proposed to be taken should not be made or taken and such notice shall be accompanied by copies of all documents referred to in Paragraph 2 or as the case may be, by information or clarification, if any, sought under Paragraph 4.

### **7. Withdrawal of authority**

If the Chief Justice on receipt of a complaint from either party to the arbitration agreement or otherwise, is of opinion that the person or institution designated by him under Paragraph 3 has neglected or refused to act or is incapable of acting, he may withdraw the authority given by him to such person or institution and either deal with the request himself or designate another person or institution for that purpose.

## **8. Intimation of action taken on request**

The appointment made or measure taken by the Chief Justice or any other person or institution designated by him in pursuance of the request under Paragraph 1 shall be communicated in writing to:-(a)the parties to the arbitration agreement;(b)the arbitrators, if any, already appointed by the parties to the arbitration agreement;(c)the person or the institution referred to in paragraph 2(d) ; and(d)the arbitrator appointed in pursuance of the request.

## **9. Requests and communications to be sent to Registrar Judicial/ Principal District Judge**

All requests under the scheme and communications relating thereto which are addressed to the Chief Justice shall be presented to the Registrar Judicial of this Court, who shall maintain a separate register of such requests and communications. The Registrar Judicial shall examine the memo of request and submit his report to the Chief Justice or to his designate, as the case may be, certifying whether the request has been made in accordance with Paragraph 2; or [\*\*\*] [Words "A request to Principal District Judge as referred in clause 3 shall be presented before him and on examination if the same is found as per scheme, the Principal District Judge shall order the same to be registered in a separate register" omitted by Notification No. 562 dated 09-10-2009, High Court of Jammu and Kashmir.]

## **10. Delivery and receipt of written communications**

The provisions of sub-sections (1) and (2) of Section 3 of the Jammu and Kashmir Arbitration and Conciliation Act, 1997 shall, so far as may apply to all written communications received or sent under the Scheme.

## **11. Costs for processing requests**

The party making a request under this Scheme shall, on receipt of notice of demand from :-(a)the registry of the court where the Chief Justice makes the appointment of an arbitrator or takes the necessary measure;or(b)the designated person or the institution, as the case may be, where such person or institution makes appointment of arbitrator or takes the necessary measure,Pay an amount of Rs. 1000/- (Rupees one thousand) in accordance with the terms of such notice towards the cost involved in processing the request if the value of the subject-matter exceeds Rs.10 Lakh and Rs. 500/- in the matters where the subject-matter does not exceed Rs. 10 Lakh.

## **12. Interpretation**

If any question arises with reference to the interpretation of any of the provisions of this Scheme, the question shall be referred to the Chief Justice, whose decision shall be final.

### **13. Power to amend the scheme**

The Chief Justice may, from time to time, amend any provision of this Scheme.