

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CORRECTION SLIP

No. 60 Rules/II.D4 Dated 12-8-2011

**CHAPTER 4 PART-D OF RULES AND ORDERS OF PUNJAB AND HARYANA
HIGH COURT, VOLUME-1**

Punjab and Haryana High Court makes the "Punjab and Haryana High Court (Arbitrator's Panel and Fee) Rules, 2011 as under:-

"1. Title

- (1) Punjab and Haryana High Court (Arbitrator's Panel and Fee) Rules 2011.
- (2) These Rules shall apply to the Arbitrators appointed by the Chief Justice or his designate in exercise of the powers conferred by the Arbitration and Conciliation Act, 1996.
- (3) These Rules shall come into force from the day of its adoption by the High Court.

2 Definitions – (1) In these Rules, unless the context otherwise requires:-

- (a) "Act" means the Arbitration and Conciliation Act, 1996 and the amendments thereto;
- (b) "Arbitral Tribunal" means an arbitrator appointed by Chief Justice or his designate and includes an arbitrator appointed from the panel of Arbitrators maintained in terms of these Rules;
- (c) "Coordinator" means a member of the State Superior Judicial Services or the State Judicial Services assigned the duties to implement, co-ordinate and supervise the working of these Rules;
- (d) "Chief Justice" means Chief Justice of Punjab and Haryana High Court and includes Acting Chief Justice and his designate;
- (e) "High Court" means Punjab and Haryana High Court;
- (f) "Panel of Arbitrators" means the Panel of Arbitrators prepared by Arbitration Committee in accordance with Chapter II of the Rules;
- (k) "Arbitration Committee" means the Arbitration Committee constituted under Rule 3 of the Rules;
- (m) "Party" means a party to an arbitration agreement;

(0) "Rules" mean the Punjab and Haryana High Court (Arbitrator's Panel and Fee) Rules, 2011.

(2) The words and phrases not defined in these Rules shall have the same meaning as used or defined in the Act.

CHAPTER I

PART I - ARBITRATION COMMITTEE

3. The Arbitration Committee –

(1) There shall be an Arbitration Committee consisting of:

- (a) The Chief Justice of the Punjab and Haryana High Court, who shall be Chairperson of the Arbitration Committee;
- (b) Two Judges of the High Court to be nominated by the Chief Justice, the senior most amongst whom shall preside over the meetings of the Committee in the absence of Chief Justice;
- (c) Advocates General for the States of Punjab and Haryana;
- (d) Assistant Solicitor General of India attached to the Punjab and Haryana High Court;
- (e) Senior Standing Counsel for the Chandigarh Administration; and
- (f) President of the High Court Bar Association;

(2) The Coordinator shall be an *ex-officio* member of the Arbitration Committee, without any voting rights, and shall convene the meetings of the Arbitration Committee as may be desired by the Chairperson.

(3) The members of the Arbitration Committee may meet as and when required for the smooth and efficient functioning of the Centre.

4. Powers of the Arbitration Committee – The Arbitration Committee shall take all decisions to give effect to the objectives and purpose of these Rules which shall include:-

- (1) To take decisions for smooth and effective functioning of the Act and Rules framed thereunder;
- (2) To formulate rules for the internal functioning of the Arbitration Committee;
- (3) To prepare and update the Panel and to take such decisions as may be required from time to time;
- (4) To fix/revise the arbitrators' fees.
- (5) To remove a person from the Panel if:-

- (a) Any complaint of breach of duty or misconduct is received against him and the Arbitration Committee is of the opinion that it would not be expedient and in the interest of the arbitration proceedings that such person should continue on its Panel of Arbitrators; or
 - (b) He is declared to be of unsound mind or becomes incapacitated; or
 - (c) He has incurred any disqualification under the Act; and
 - (d) For any other reason deemed appropriate by the Committee.
- (6) To organize events or seminars in the field of Law of Arbitration for resolution of disputes.

PART II- PANEL OF ARBITRATORS

5. Panel of Arbitrators –

- (1) The Arbitration Committee shall prepare and maintain a Panel of Arbitrators from amongst persons who are eligible and willing to serve as arbitrators.
- (2) The Arbitration Committee may prepare separate panels keeping in view valuation of the claim or as per the qualification of the Arbitrators. Such names will be published in Schedule “A” and shall be open to inspection in the office of co-ordinator.
- (3) The Co-ordinator shall maintain an up-to-date Panel of Arbitrators together with information as to their qualifications and experience.
- (4) A Curriculum Vitae shall be furnished by the persons interested to be placed on the Panel of Arbitrators. Information so submitted by the persons who are finally empanelled may be made available to the parties seeking to appoint an arbitrator from the Panel.

Provided that written consent from the former Judges of the High Court/Supreme Court, shall be sufficient for their empanelment.

- (5) The Chief Justice or his designate or the parties may choose any person from the Panel to be appointed as an arbitrator in respect of the disputes between parties, subject to their work-load and availability.
- (6) The Chief Justice may appoint an arbitrator whose name is not in the Panel on payment of fee other than fixed in these Rules, but such appointment and fee shall be case specific.
- (7) The Arbitration Committee may at any time add new names to the Panel or omit the name of any person from the Panel.

6. Appointment of Experts –

- (1) The Arbitral Tribunal may, unless otherwise agreed by the parties in writing:
 - (a) appoint one or more experts to report to it on specific issues to be determined by the Arbitral Tribunal, and
 - (b) The fees and costs of any expert appointed by a party shall be borne by the party seeking such appointment. But, if an expert is appointed by the Arbitral Tribunal, the fees and costs of such appointment, unless otherwise directed by the Arbitral Tribunal, shall be shared equally by all the parties and if directed by the Arbitral Tribunal, may form costs of the proceedings payable as per the Award.

7. Additional Fees and Expenses –

- (1) The Arbitral Tribunal shall be entitled to allow fees and expenses to the witnesses, cost of legal or technical advice or proceedings in respect of any matter arising out of the arbitration incurred by the Arbitral Tribunal, and any other incidental expenses and charges in connection with or arising out of the reference or award as the Arbitral Tribunal shall, in its absolute discretion, think fit.
- (2) Unless otherwise agreed by the parties: -
 - (a) The costs of arbitration shall be fixed by the Arbitral Tribunal,
 - (b) The Arbitral Tribunal shall specify-
 - i) The party entitled to costs,
 - ii) The party who shall pay the costs,
 - iii) The amount of costs or method of determining that amount, and
 - iv) The manner in which the costs shall be paid.

Explanation - For the purpose of clause (a), "costs" means reasonable costs relating to-

- (1) The costs of the arbitrators and witnesses,
- (2) Legal fees and expenses,
- (3) The Miscellaneous Expenses.
- (4) Any other expenses incurred in connection with the arbitral proceeding and the arbitral award.

CHAPTER III

8. Arbitrators' Fees –

- (1) The fees payable to the each of the Arbitrators shall be determined in accordance with the scales specified in Schedule 'B' to these rules.

- (2) The arbitrators' fees set forth in these Rules shall be initially shared equally by the parties subject to the cost of arbitration as may be finally determined by the Arbitral Tribunal.

CHAPTER IV

9. **Amendment of Rules** - These Rules may be amended by the Punjab and Haryana High Court in consultation with the Arbitration Committee.
10. **Residuary Provision** - The Arbitration Committee may take appropriate decisions, as it considers necessary in respect of all matters, which are not specifically provided in these Rules.

SCHEDULE – A
CURRICULUM VITAE

For communication to the parties.

(To be completed in English)

A. Personal Details

Last Name : _____

First Name : _____

Date of birth: _____

Residential Address _____

Telephone : _____

Telefax : _____

E-Mail : _____

Office/ Business Address

(including company or firm name where applicable):

Telephone : _____

Telefax : _____

E-Mail: _____

Website: _____

Please indicate which address you wish to be used for correspondence:

Personal/Business

B. Academic degrees or Qualifications:

C. Professional Experience:

D. Current professional activity(ies) and position(s):

E. Arbitration Experience :

**F. Other alternative dispute resolution (ADR) experience including
Mediation/Conciliation, etc:**

G. Additional information, which may be relevant to the parties:

(Use separate sheet if necessary)

Date: _____

Signatures

SCHEDULE- B – Arbitrators' Fees

Part I- Members of Judiciary

A. Sole Arbitrator

1. Former Supreme Court and High Court Judges :
Rs. 25,000/- per hearing per day subject to the maximum of Rs.5,00,000/-
2. Senior Advocates
Rs. 20,000/- per hearing subject to the maximum of
Rs. 4,00,000/-
3. Former District Judges, Additional District Judges and Advocates
Rs. 10,000/- per hearing subject to the maximum of
Rs. 2,00,000/-

B. Arbitral Tribunal of three members

1. Presiding Arbitrator – same as that of sole arbitrator
2. Other members 2/3 each of the fee of sole arbitrator

Part II- Technical Personnel

Sum in dispute (In Rs.)	Fees
Upto Rs. 5 Lakh (Rs.5,00,000)	Rs.35,000/-
Above Rs. 5 Lakh and upto Rs.20 Lakh (Rs.5,00,001 to Rs. 20,00,000)	Rs.35000/- + 2.5% of the claim amount over and above Rs.5,00,000/-
Above Rs. 20 Lakh and upto Rs.1 Crore (Rs.20,00,001 to Rs.1,00,00,000)	Rs.72,500/- + 3% of the claim amount over and above Rs.20,00,000/-.
Above Rs. 1 Crore	Rs.3,12,500/- + 0.75% of the claim amount over and above Rs.1 Crore subject to the Maximum of Rs.5,00,000/-.

Note :

1. The Arbitral Tribunal shall be entitled to 10 % of the fee as the secretarial expenses of the proceedings.
2. The Venue shall be arranged by the parties at their cost.”

BY ORDER OF HON'BLE THE ACTING CHIEF JUSTICE AND JUDGES

Vininder Aggarwal
REGISTRAR (RULES)

Endst.No. 29030 Rules/II.D4 dated 12/8/11

Copy (with two spare copies of the correction slip) is forwarded to the Legal Remembrancer and Secretary to Government of Punjab, Department of Legal and Legislative Affairs, Chandigarh, with the request that the correction slip be got published in the Punjab Government Gazette (Extra Ordinary). Twenty spare copies of the printed correction slip be sent for the use of this Court.

Vininder Aggarwal
REGISTRAR (RULES)