

## <sup>1</sup>[SCHEME FOR APPOINTMENT OF ARBITRATORS, 1996]

### Short Title:

1. This Scheme may be called the Scheme for appointment of Arbitrators, 1996.

### Submission of request:

2(i) The request under sub-section (4) or sub-section (5) or sub-section (6) of section 11 of the Ordinance shall be made in writing in the form prescribed in Appendix I and shall be accompanied by:

- (a) The original arbitration agreement or a true copy thereof;
- (b) An affidavit supported by the relevant documents or true copies thereof to the effect that the condition to be specified under sub-section (4) or sub-section (5) or sub-section (6) of section 11 of the Ordinance, as the case may be, before making request to the person designated by the Chief Justice, has been satisfied.

(ii) The request referred to in sub-para 2 (i) of this para shall be accompanied by as many copies of the request together with items (a) and (b) of sub-para 2 (i), as the number of parties to the arbitration agreement or such number which the person designated in para 3 of the scheme may direct.

(iii) In case the person making the request does not have the original arbitration agreement or a copy thereof, he shall file an affidavit giving relevant facts in that behalf and request that the opposite party may be directed to produce the original or a copy thereof.

### Authority to deal with the request:

<sup>2</sup>[3(i) All the Judges of the High Court exercising ordinary civil jurisdiction stand designated under Section 11(6) of the Arbitration and Conciliation Act, to take necessary measures for the purpose of dealing with the request made in para 2.]

<sup>3</sup>[(ii) The request so made shall initially be placed before the Judge Incharge of the Original Side for appropriate allocation.]

### Seeking further information:

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<sup>1</sup> Notified vide Notification No.16/Rules dated 29.1.1996

<sup>2</sup> Substituted vide Notification No.174/Rules/DHC dated 18.8.2003 and further substituted vide Notification No.253/Rules/DHC dated 23.7.2010

<sup>3</sup> Substituted vide Notification o.253/Rules/DHC dated 23.7.2010

**4<sup>4</sup>[(i) The Judge to whom allocation has been made under para 3(ii) may seek further information or clarification or production of documents from the party making a request under this Scheme as he may deem fit.]**

(ii) The party making the request shall file as many copies of the written information or clarification or copies of documents as may be required to be filed by the person designated in para 3 of this Scheme.

**Rejection of request:**

5. Where the request made by any party under paragraph 2 is not in accordance with the provisions of this Scheme, the person designated in para 3 may reject the same.

**Notice to affected person:**

6. Subject to the provisions of paragraph 5, the person designated in para 3 shall direct that a notice of the application be given to all the parties to the arbitration agreement and to such other person or persons as may seem to him likely to be affected by such request to show cause, within the time specified in the notice, as to why the appointment of the arbitrator(s) or the measures proposed to be taken should not be made or taken and such notice shall be accompanied by copies of all documents referred to in para 2 or, as the case may be, by the information or clarification, or copies of documents, if any, sought under paragraph 4.

**Intimation of action taken on request:**

7. The appointment made or measures taken by the person designated in para 3 in pursuance of the request under paragraph 2 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 institution, if any, to whom or to which any function has been entrusted by the parties to the arbitration agreement under the appointment procedure agreed upon by them.
- (d) the arbitrator appointed in pursuance of the request.

**Requests and communications to be sent to Authorised Officer:**

8. All requests under the Scheme and communications relating thereto shall be presented to the Officer authorised by 'the person designated in para 3 and the said Officer shall maintain a separate register of such requests and communications'. Whenever requests under

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<sup>4</sup>

Substituted vide Notification No.253/Rules/DHC dated 23.7.2010

para 2 are received, the authorised Officer shall, as soon as may be, place the same before the persons designated in para 3.

**Delivery and receipt of written communication:**

9. The provisions of sub-sections (1) and (2) of section 3 of the Ordinance shall, so far as may be, apply to all written communications received or sent under this Scheme.

**Costs for processing request:**

10. <sup>5</sup>[Deleted]

**Interpretation:**

11(i) If any question arises with reference to the interpretation of any of the provisions of this Scheme before a person designated under para 3 (c) of this Scheme, it shall be decided by that person.

(ii) In case the question arises before the person designated under para 3 (a) and (b) of this Scheme, the said person shall formulate the question and refer the same for decision of the Chief Justice or a Judge of the Court of Delhi designated by the Chief Justice.

(iii) The decision by the person to whom the question is referred to as stated in para 11 (i) or (ii) shall be final.

**Power to amend the Scheme:**

12. The Chief Justice may from time to time, amend by way of addition or variation or deletion, any provision of this Scheme.

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<sup>5</sup> Para 10 partly amended vide Notification No.391/Rules/DHC dated 09.11.2009, completely substituted vide Notification No.253/Rules/DHC dated 23.7.2010 and completely deleted vide Notification No.711/Rules/DHC dated 08.05.2013

## APPENDIX – I

BEFORE

ARBITRATION APPLICATION NO:                    OF 1996

1. Provision under which the application is filed
2. Name(s) of the applicant(s) with complete address(es)
3. Name(s) of other parties to the arbitration agreement with complete addresses
4. Names and addresses of the arbitrators, if any, already appointed by parties.
5. Name and address of the person or institution, if any, to whom any function has been entrusted by the parties to the arbitration agreement under the appointment procedure agreed upon by them.
6. Qualification required, if any of the arbitrator by the agreement of the parties.
7. A brief written statement describing the general nature of the disputes and the points at issue.
8. Valuation of the subject matter.
9. Relief or the remedy sought.

Signature of the applicant

Signature of the Advocate, if any

Date :