

[21]PART B-1

**PUNJAB, HARYANA AND UNION TERRITORY, CHANDIGARH
ARBITRATION AND CONCILIATION RULES, 2003**

No.45 Rules/II.D.4- In exercise of the powers conferred by Section 82 of the Arbitration and Conciliation Act, 1996 (26 of 1996), the High Court of Punjab and Haryana makes the following Rules in relation to the proceedings before the Court under the Act. These Rules shall be added as Part B-1 after the existing Part B and before Part C of Chapter 4 of Rules and orders of the Punjab High Court Volume-1:-

1.(a) These Rules may be called the Punjab, Haryana and Union Territory, Chandigarh Arbitration and Conciliation Rules, 2003.

(b) These, Rules shall come into force in the States of Punjab, Haryana and Union Territory, Chandigarh from the date of publication in their respective official Gazette.

(c) These Rules shall be applicable to the Arbitration and Conciliation Proceedings ordered by the competent Court under the Act.

2. Definitions.- (a) 'Act' means the Arbitration and Conciliation Act, 1996.

(b) 'Application' means an application made to the Court under the provisions of the Act.

(c) 'Typewritten Copy' includes legible copy prepared by any mechanical process.

3. Every application shall be made in writing, duly signed and verified in the manner prescribed under Order 6 Rules 14 and 15 of the Code of Civil Procedure and if the Court, so directs, shall be supported by an affidavit. It shall be divided into paragraphs, numbered consecutively, and shall contain the 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 likely to be affected by the applications.

Provided that where a party, by reason of absence or for any other reason, is unable to sign and verify the same, it may be signed and verified by any person duly authorized by him in this behalf and proved to the satisfaction of the Court to be acquainted with the facts of the case.

4. An application for enforcement of an arbitral award under Section 36 or a foreign award under Section 47 or Section 56 shall be in writing, signed and verified by the applicant or by some other person in this behalf duly authorized and proved to the satisfaction

of the Court to be acquainted with the facts of the case 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.

5. Following documents or attested copies thereof shall be annexed with the application:

- (i) Agreement to arbitrate, if any.
- (ii) Documents relevant to and throwing light on the dispute;
- (iii) List of witnesses to be examined or summoned for production of documents;
- (iv) Copies of pleadings of the parties filed before the Arbitral Tribunal;
- (v) Party filing the aforesaid documents shall supply sufficient number of copies thereof for other parties;

6. Deposit:- The Court may require the parties to deposit in advance of any hearing, such amount as it deems necessary to cover Arbitration expenses including the Arbitrator's fee and Traveling Allowance(TA) and Dearness Allowance (DA). The balance, if any, shall be paid to the party who deposited the same.

SCHEDULE
A-Applications

S.No.	Nature of application	Amount of Court Fee
1	2	3
1	Application under Section 9.	Rs.150/-
2	Application under sub-section (1) of Section 17	Rs.50/-
3	Application under Section 34	Rs.300/-
4	Application under Section 14, 27, 36, 39 and 43	Rs.200/-
5	Application under Section 47 and 56	Rs.1000/-
6	Any other application	Rs.50/-
7	Vakalatnama	Rs.5/-

B-Appeals

S.No.	Nature of Appeal	Amount of Court Fee
1	2	3
1	Appeal against an order on an application under Section 9	Rs.300/-
2	Appeal against order of Arbitral Tribunal accepting the plea preferred to in sub-section (2) or sub-section (3) of Section 16	Rs.300/-
3	Appeal against an order on an application under Section 34	Rs.500/-
4	Appeal against an order refusing to refer the parties to arbitration under Sections 45 and 64	Rs.300/-
5	Appeal against an order refusing to enforce a foreign award under Section 48 and Sub-section (2) of Section 57	Rs.500/-

(1) Save as otherwise expressly provided in the Act or these Rules the following provision of the Code of Civil Procedure, 1908 (V of 1908) shall apply to the Proceedings before a Court in so far as those may be applicable thereto, namely:-

- (i) Sections 28, 31, 35, 35-A, 35-B, 107, 133, 135, 148-A, 149, 151 and 152; and
- (ii) Order III, V, VI, IX, XIII, XIV, XVI to XIX, XXIV & 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, 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 the interests of the parties shall not thereby be prejudiced.