

Scheme for Appointment of Arbitrators by the Chief Justice of Bombay High Court

Notification No. P-1614/96 dated 6th April, 1996.—In exercise of the powers conferred on the Chief Justice of the High Court of Bombay under sub-section (10) of section 11 of the Arbitration and Conciliation Ordinance, 1996, I hereby make the following scheme:—

1. Short title.—This scheme may be called the Appointment of Arbitrators by the Chief Justice of Bombay High Court Scheme, 1996. It shall come into force with immediate effect.

2. Submission of request. —The request to the Chief Justice under sub-section (4) or sub-section (5) or sub-section (6) of section 11 shall be made in writing and 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 and address of the person 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, 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 entrusted to him or designate any other person or institution for that purpose.

4. Forwarding of request to designated person or institution. Where the Chief Justice designates any person or institution under paragraph 3, he shall have the request along with the documents mentioned in paragraph 2 forwarded forthwith to such person or institution and also have a notice sent to the parties to the arbitration agreement.

5. 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.

6. 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.

7. Notice to affected persons.—Subject to the provisions of paragraph 6, 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 5.

8. 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.

9. Intimation of action taken on request —The appointment made or measure taken by the Chief Justice or any person or institution designated by him in pursuance of the request under paragraph I 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),
- (d) the arbitrator appointed in pursuance of the request.

10. Request and communications to be sent to Registrar.—All requests under this Scheme and communications relating thereto which are addressed to the Chief Justice shall be presented to the Registrar of this Court, who shall maintain a separate Register of such requests and communications.

11. Delivery and receipt of written communications.—The provisions of sub-sections (1) and (2) of section 3 of the Arbitration and Conciliation Ordinance, 1996 shall, so far as may be, apply to all written communications received or sent under this Scheme.

12. 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 measures ; 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 not less than Rs. 3,000 and not more than Rs.10,000 as may be determined by the Chief Justice, in accordance with the terms of such notice towards the costs involved in processing the request.

13. 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.

14. Power to amend the Scheme.—The Chief Justice may, from time to time, amend by way of addition or variation any provision of this Scheme.

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