

SCHEME FOR ARBITRATION CENTER, HIGH COURT,
ALLAHABAD, LUCKNOW BENCH, LUCKNOW

The High Court of Judicature at Allahabad frames the following scheme for operating Arbitration Centre, to provide panel of arbitrator(s), promote arbitration proceedings and matters connected therewith:

1. Staff- Pattern:

- (i) One Co-ordinator to be nominated by Hon'ble the Chief Justice, amongst the officer of the High Court establishment, from the cadre of Registrar/Joint Registrar.
- (ii) One Review Officer/Assistant Review Officer to assist the Co-ordinator.
- (iii) One Computer Operator appointed/deputed through outsourcing.
- (iv) Four employees of Class IV cadre appointed/deputed through outsourcing.
- (v) Supporting staff as may be required from time-to-time shall be appointed/deputed/engaged through outsourcing by Hon'ble the Chief Justice for smooth functioning of the Arbitration Centre upon the requisition of the Co-ordinator.

(Officer/staff mentioned at (ii), (iii) & (iv) shall be engaged for the time being from establishment of High Court, Lucknow Bench of Lucknow till the sanction of those posts by the Government).

2. Duties and Functions of Co-ordinator:

- 1. The co-ordinator shall be overall in-charge of the Arbitration Center.
- 2. His duties will include day-to-day functioning of the Arbitration Center including allotment of rooms, realization of fee, maintenance and up-keep of Arbitration Center and its account(s) and also to maintain a register indicating occupancy of rooms allotted in the Arbitration Center.
- 3. He will ensure issuance of passes to the arbitrator(s), parties and persons appearing during arbitration proceedings as well as passes for parking of vehicles.
- 4. He will be custodian of all assets, accounts, records, funds at the disposal of the Arbitration Centre and other necessary records.
- 5. The Co-ordinator will maintain and update from time-to-time a profile of each Arbitrator(s) on the Panel of the Centre and will make it available to the parties, on request.
- 6. Data of arbitration cases dealt within the Arbitration Centre will be maintained by the Co-ordinator.
- 7. All correspondence will be made by the Co-ordinator on behalf of the Arbitration Center.

8. He shall function under the guidance and control of Board of Governors.

3. Panel of Arbitrators:

(1) Under the direction of Board of Governors, the Co-ordinator shall maintain a Panel of Arbitrators from amongst the persons who are suitable and willing to serve as Arbitrators.

(2) Tenure of an empanelled Arbitrator will be five years from the date of empanelment unless his/her name is struck off from the panel by the Board of Governors.

(3) The Co-ordinator will maintain an up-to-date record of Panel of Arbitrators together with information of their qualifications and experience.

(4) The parties may choose any person from the Panel to be appointed as an arbitrator in respect of their disputes, subject to the work-load and availability of the Arbitrator.

4. Procedure for formation of Panel:

(1) An application in the form of resume, may be submitted for empanelment as an Arbitrator in the office of Co-ordinator, Arbitration Center.

(2) An application received for empanelment will be put up by the Co-ordinator before the Board of Governors for scrutiny.

(3) The decision of the Board of Governors shall be final as regards empanelment of the applicant as an Arbitrator.

(4) Procedure regarding empanelment of an Arbitrator shall not be applicable in case of retired Judges of Hon'ble Apex Court and Hon'ble High Courts; their consent or receipt of an intimation from them for empanelment will be the only pre-requisite along with the formal approval of the Board of Governors.

5. Qualification for empanelment as Arbitrator:

A person may be empaneled as an Arbitrator if he -

(1) is a retired judge of the Hon'ble Apex Court or Hon'ble High Courts; or

(2) had been a Judicial Officer; or

(3) is an advocate within the meaning of the Advocates Act, 1961 having ten years of practice experience as an advocate; or

(4) is a chartered accountant within the meaning of the Chartered Accountants Act, 1949 having ten years of practice experience as a chartered accountant; or

(5) is a cost accountant within the meaning of the Cost and Works Accountants Act, 1959 having ten years of practice experience as a cost accountant; or

(6) is a company secretary within the meaning of the Company Secretaries Act, 1980 having ten years of practice experience as a company secretary; or

(7) has been an officer with law degree having ten years of experience in legal matters in the Government, Autonomous Body, Public Sector Undertaking or at a senior level managerial position in private sector; or

(8) has been an officer with engineering degree having ten years of experience as an engineer in the Government, Autonomous Body, Public Sector Undertaking or at a senior level managerial position in private sector or self-employed; or

(9) has been an officer having senior level experience of administration in the Central Government or State Government or having experience of senior level management of a Public Sector Undertaking or a Government company or a private company of repute; or

(10) is a person, in any other case, having educational qualification at degree level with ten years of experience in scientific or technical stream in the fields of telecom, information technology, Intellectual Property Rights or other specialised areas in the Government, Autonomous Body, Public Sector Undertaking or a senior level managerial position in a private sector, as the case may be.

6. Scale of Fees payable to the Arbitrators (engaged from the panel list of the Arbitration Center):

Sum in dispute	Model Fee
Up to Rs. 5,00,000	Rs. 45,000
Above Rs. 5,00,000 and up to Rs. 20,00,000	Rs. 45,000 plus 3.5 per cent of the claim amount over and above Rs. 5,00,000
Above Rs. 20,00,000 and up to Rs. 1,00,00,000	Rs. 97,500 plus 3 per cent of the claim amount over and above Rs. 20,00,000
Above Rs. 1,00,00,000 and up to Rs. 10,00,00,000	Rs. 3,37,500 plus 1 per cent of the claim amount over and above Rs. 1,00,00,000
Above Rs. 10,00,00,000 and up to Rs. 20,00,00,000	Rs. 12,37,500 plus 0.75 per cent of the claim amount over and above 10,00,00,000
Above 20,00,00,000	Rs. 19,87,500 plus 0.5 per cent of the claim amount over and above 20,00,00,000 with a ceiling of 30,00,000

In the event, the Arbitral Tribunal is a sole arbitrator he shall be entitled to an additional amount of twenty-five percent on the fee payable as per the table set out above.

Note:- 1. Any claim of dispute which is not valued in terms of money, shall attract a minimum fee of Rs. 1,00,000 (Rupees One Lakh only), any fee in excess of the same shall be as agreed upon by the parties.

2. Fees shall be paid by the parties to Arbitrator(s) directly. It shall not be paid through the Arbitration Centre.

3. The above fee structure is applicable only for the arbitrators engaged through the panel list of the Arbitration Center. The parties, however, have the option of engaging Arbitrator(s) outside the panel list in which case the fees will be decided between the engaging party and the Arbitrator(s). The panel list is only to facilitate the parties seeking Arbitration and is not binding in nature.

4. In cases where the Arbitral Tribunal consists of three or more members, the Co-ordinator shall, in consultation with the President of Board of Governors, decide the fees payable to each of the Arbitrators.

7. Procedure for booking rooms at the Arbitration Center:

The Parties desirous of occupying a room in the Arbitration Center for the purpose of conducting of arbitration proceedings would submit an Online/offline request on prescribed proforma attached at Annexure-1

Confirmation of booking shall be communicated to the booking/requesting party at the earliest with a maximum permitted latency of 7 days.

On confirmation of booking by the Co-ordinator, the parties will be required to deposit the complete fee in advance. The bookings shall be confirmed finally only after deposition of the fee. In case the parties fail to appear, the engagement would be considered complete and the deposited fee will stand forfeited.

In case of any eventuality, the arbitration proceedings cannot take place on the date fixed, then on request at least two days, prior to the date, the booking amount can be adjusted for the next date subject to availability of accommodation. If on the next date of booking arbitration proceedings are not held for any reason, then booking amount is liable to be forfeited subject to the condition that 75 per cent of the amount will be refunded at the discretion of the Board of Governors.

After approval of the Co-ordinator, the fee for booking the facilities of Arbitration Centre, Lucknow should be paid directly into the savings account maintained by the Arbitration Centre, Lucknow either through online mode or through an account payee cheque in favour of 'Co-ordinator, Arbitration Centre Lucknow'.

8. Timings for arbitration proceedings:

The Arbitration Centre at Lucknow will be available for arbitration proceedings from 10.00 A.M. To 6.00 P.M. everyday except on gazetted holidays.

9. Fee structure for booking/occupying rooms at the Arbitration Center :

The fee structure for occupying the rooms at the Arbitration Center would be as follows:

- (i) Fee for a six-seater room - Rs.1000/- per hour
- (ii) Fee for an eight-seater room – Rs.1,500/- per hour
- (iii) Fee for a ten-seater room - Rs.2000/- per hour
- (iv) Fee for a twenty-seater room – Rs.2,500/- per hour

** Parties would be required to vacate the room(s) on or before the expiry of the period for which booking of room(s) was sought. In case the rooms remain occupied beyond 15 minutes of the check-out time, the parties would be liable to pay additional fee for each additional full hour(s).*

10. Amenities:

- The parties will be provided with tea/coffee etc.
- wi-fi facility
- access to a mini-library of reference books (maintained in each room)
- use of photo-copying machine
- video-conferencing facility
- stationary including set of pencils, erasers, highlighters, 2 pens and flags.
- The parties will be provided the services of stenographer(s) on payment basis. In case, they would like to use their own stenographer(s) it shall be allowed.

The Co-ordinator shall ensure that the amenities offered at Arbitration Centre find suitable mention when the parties seek booking at the Arbitration Centre. These amenities should be highlighted both online and at a conspicuous part of the Arbitration Centre.

11. Stenographer:

A panel of stenographers shall be drawn up from amongst the retired stenographers/retired P.A., P.S. of the Court who will give their willingness for being empanelled.

The booking party(ies) shall be charged Rs. 1500/- per session and Rs. 30/- per page for the services of the stenographer.

12. Duties of Staff other than Co-ordinator:

- (i) to discharge their duties under the guidance of the Co-ordinator;
- (ii) to maintain cleanliness and hygiene;
- (iii) to provide assistance during arbitration proceedings.

13. Accounts:

- (i) A savings bank account for the purpose of Arbitration Centre will be opened in the name of "Co-ordinator, Arbitration Center Lucknow" in the State Bank of India, High Court, Lucknow Bench, Lucknow and it will be operated by the Co-ordinator as per the guidelines/directives/orders of the Board of Governors of the Arbitration Centre.
- (ii) The Co-ordinator will be authorised for withdrawal of money amounting up to Rs 1,500/- towards expenses for carrying out the various functions of the Arbitration Centre and if the expenses are above Rs. 1,500/- approval of the President of the Board of Governors will be required for withdrawal of the money.
- (iii) The Co-ordinator shall place an income (deposit) and expenditure (withdrawal) statement of the aforesaid account before the Board of Governors annually.

14. Removal of difficulties:

If any difficulty arises in giving effect to the provisions of this Scheme, the Board of Governors may pass such order(s) as deemed necessary or may expedite the removal of the difficulty.

15. Power to amend the scheme:

The Chief Justice/the Patron-in-Chief may amend the scheme from time-to-time as per his discretion or on the recommendation of the Board of Governors for better functioning of the Arbitration Centre at High Court Lucknow bench, Lucknow.

* A list of the empanelled arbitrators maintained by the Arbitration Centre will be provided to the court of Hon'ble Roster Judge by the Co-ordinator.

* The list of the paneled arbitrators and information regarding amenities proposed to be provided to the arbitrators and the parties at the Arbitration Center should be disseminated online as well as offline to promote arbitration proceedings at Arbitration Centers, High Court of Judicature at Allahabad.

Annexure-1

Application for booking room(s) at the Arbitration Center, High Court, Lucknow Bench, Lucknow.

1.	Name and details of the arbitrator(s).	
2.	Names and details of the parties along with details of the counsel(s) appearing for the parties, their e-mail IDs and phone numbers.	
3.	Address with proof : A copy of identity-card (Adhar/ Voter ID/ Passport/ Driving Licence/ Pan Card) or any Government Issued I-Card)	
4.	The date of proposed proceedings for which booking has been sought	
5.	Number of persons likely to attend the arbitration proceedings	
6.	Requirement of room(s) as per the occupant capacity (6, 8, 10 and 20 persons)	