

## MADHYA PRADESH ARBITRATION RULES, 1997

**Notification No. C-966-III-15-28-41, dated 25th February, 1997.** - In exercise of the powers conferred by Section 82 of The Arbitration & Conciliation Act, 1996 (26 of 1996), the High Court of Madhya Pradesh makes the following Rules as to the proceeding before the Courts under the Act, namely-

1. These rules may be called "*The Madhya Pradesh Arbitration Rules, 1997*".

2. They shall come into force from the date of their publication in the "Madhya Pradesh Rajpatra".

### **1[3. (1) Definitions :**

- (a) In these Rules, "ACT" means the Arbitration and Conciliation Act, 1996.
- (b) "Appeal" means an Appeal filed in the 'Court' under the Act;
- (c) "Application" means an application filed in the 'Court' under the Act;
- (d) "Arbitral Award" includes an interim, a partial and a preliminary or final award'
- (e) "Arbitrator" means person appointed as an Arbitrator in terms of the Act;
- (f) "Chief Justice" means the Chief Justice of the High Court of Madhya Pradesh;
- (g) "Code" means "The Code of Civil Procedure Code, 1908"; and
- (h) "Rules" means "The Madhya Pradesh Arbitration Rules, 1997.

(2) The words and phrases not defined, in these Rules, shall bear the same meaning as defined under the Act. ]

<sup>1</sup>4. Application/ Appeal :

- (1) Save as otherwise provided in these Rules, all Applications/ Appeal, Affidavits and Proceedings, under the Act shall be as per the prescribed Formats annexed herewith as Format no. 1, 2, 3 & 4.
- (2) Every application under Section 9, Section 14, Section 27, Section 34, Section 39 and Section 43 of the Act shall be made in writing and 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 prayed for;
  - (d) names and addresses of the persons liable to be affected by the application; and
  - (e) original Arbitration Agreement or the Award.
- (3) An application for enforcement of an arbitration 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 <sup>2</sup>[and as per the prescribed format annexed herewith as Format No. 05] proved to the satisfaction of the Court to be acquainted with the facts of the case, and shall contain in a tabular form the particulars prescribed in Sub-rule (2) of rule 11 of Order XXI of the Code.
- (4) Every application for execution of Award under Chapter I – *“New york Convention Awards”* or Chapter II – *“Geneva Convention Awards”* of PART II – *‘Enforcement of certain Foreign Awards’* of the Act shall be <sup>2</sup>[as per the prescribed format annexed herewith as Format No. 05] in the terms as prescribed under Sections 47 and 56 of the Act, as the case may be.

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1. Substituted by Notification published in M.P. Gaz, 4(Ga), dt. 21.02.2020, Page 258-259.

2. Inserted by Notification published in M.P. Gaz, 4(Ga), dt. 22.09.2023, Page 1148.

- (5) Every application for enforcement of a foreign award shall be accompanied by and affidavit or affidavits showing that :-
- (a) the award has been made in pursuance of a submission to arbitration which is valid under the law applicable thereto;
  - (b) the subject matter of award is capable of settlement by Arbitration under the law of India.
  - (c) the award has been made by the arbitral tribunal provided for in the submission to and arbitration or constituted in the manner agreed upon by the parties and in conformity with the law governing the arbitration procedure;
  - (d) the award has become final in the country in which it has been made, in the sense that it will not be considered as such if it is open to opposition or appeal or if it is proved that any proceedings for the purpose of contesting the validity of the award are pending;
  - (e) the enforcement of the award is not contrary to the public policy of the law of India.]

**<sup>1</sup>[4A. Mode of application/appeal :**

Save as otherwise provided in these Rules, all Applications/Appeal shall be placed on board for admission after prior notice to all parties concerned.

- (1) Procedure after filing of Application/Appeal and requisitioning of Lower Court Records:
- (a) In cases, arising out of matters pending before the lower Court, Tribunal or Authority, the record shall not be requisitioned unless ordered by the Court.
  - (b) Where such record has been requisitioned, it shall be retained in the High Court/District Court (as the case may be) only as long as absolutely necessary; otherwise it shall be returned and called back as convenience permits.

- (2) In case, arising out of judgments or orders finally adjudicating the case, the record of lower Court or Tribunal shall be requisitioned after admission of the case, notwithstanding the fact that no order requisitioning the record has been made by the Court or the Registrar.
- (3) The Applicant/Appellant may file pleadings and/or evidence along with the memorandum of appeal or application which he considers necessary to enable the Court to appreciate the scope of dispute for the purpose of admission, interlocutory orders or disposal.
- (4) Notice shall be served on all opposite parties and on such other person as the Court may direct:

Provided that at the hearing of any such Application/Appeal, any person who desires to be heard in opposition to it and appears to the Court to be proper, may be heard, notwithstanding that he has not been served with the notice; but may be liable to costs in the discretion of the Court.

Provided further that where at the hearing of the Application/Appeal, the Court is of opinion that any person who ought to have been served with notice of the Application/Appeal, has not been so served, the Court may order such notice to be served and adjourn the hearing upon such terms, if any, as the Court may think fit.

- (5)
  - (a) All questions of fact arising for determination under this part shall be decided ordinarily upon affidavit, but the Court may direct that such other evidence be taken as it may deem fit.
  - (b) Where the Court orders that certain matters in controversy between the parties shall be decided on oral evidence, it may either itself record the evidence or may direct any Court or Tribunal or a Commissioner appointed for the purpose to record it in accordance with the procedure prescribed by law.

- (6) The Court may in such proceedings impose such terms as to costs as it thinks fit.
- (7) The Court may in its discretion, either before the opposite party is called upon to appear and answer or afterwards on the application of the opposite party, demand from the Applicant security for the costs of the application/appeal.]

5. The Court Fees (in Court fee stamps) on the application/ Vakalatnama/Appeal made/preferred to the Court/Court of appeal under the Act shall be payable according to the Schedule below:-

**SCHEDULE  
A-APPLICATIONS**

S. No.	Nature of Application	Amount of Court Fee
(1)	(2)	(3)
1.	Application under Section 9	Rs.1[ 500.00]
2[*	* * *	*** ]
3.	Application under Section 34.	Rs. 1[1000.00]
4.	Application under Sections 14, 27, 36, 39 and 43	Rs. 1[350.00]
5.	Application under Sections 47 and 56	Rs. 1[2000.00]
6.	Any other application	Rs. 1[100.00]
7.	Vakalatnama	As prescribed under the Court Fees Act, 1870

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1. Substituted by Notification published in M.P. Gaz, 4(Ga), dt. 21.02.2020, Page 260-261.

2. Deleted by Notification published in M.P. Gaz, 4(Ga), dt. 21.02.2020, Page 260.

## 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. 1[500.00]
2.	(a) Appeal against order of the Arbitral Tribunal accepting the plea referred to in sub-section (2) or sub-section (3) or Section 16	Rs. 1[500.00]
3.	Appeal against an order on an application under Section 34	Rs. 1[1000.00]
4.	Appeal against an order refusing to refer the parties of arbitration under Sections 45 and 54	Rs. 1[500.00]
5.	Appeal against an order refusing to enforce a foreign award under Section 48 and sub-section (2) of Section 57	Rs. 1[1000.00]

6. Where the application<sup>2</sup>[/appeal] made by the party is not in accordance with the provisions of these rules, the Court may reject the application.
7. Every application shall, if the Court is satisfied that the same is in order, be numbered and registered as an arbitration case and every appeal shall be registered as an arbitration appeal.
8. The Court to which an application<sup>2</sup>[/appeal] is presented shall direct notice thereof to be given to the opposite party and to such other persons as are likely to be affected by the proceedings requiring to show cause within a time to be specified in the notice why the relief sought in the application be not granted. The notice shall be accompanied by a copy of the application and documents filed by the applicant <sup>2</sup>[/appellant].

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1. Substituted by Notification published in M.P. Gaz, 4(Ga), dt. 21.02.2020, Page 261.

2. Inserted by Notification published in M.P. Gaz, 4(Ga), dt. 21.02.2020, Page 261.

9. (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 they may be applicable thereto; namely-
- (i) Sections 28, 31, 35, 35A, 35B, 107, 133,135, 148A, 149,151 and 152, and,
  - (ii) Order III, V, VI, IX, XIII, XIV, XVI to XXIV and XLI.
- (2) (a) For the purpose of facilitating the application <sup>1</sup>[/appeal] of the provisions referred 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 matter 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.
10. The process fees in relation to the proceedings before the Court shall be charged as per Chapter XX of The Madhya Pradesh Civil Court Rules, 1961 as if the proceedings were the proceedings in suit.

<sup>1</sup>[Format No. 1  
[Rule 4(1)]]

**IN THE HIGH COURT OF MADHYA PRADESH PRINCIPAL SEAT  
AT JABALPUR / BENCH AT INDORE / BENCH AT GWALIOR**

Arbitration Case No. . . . . . / 20.....

**Cause Title**

**Applicant(s)** : The name [Company/Institution/Firm/Person(s)]  
..... , age ..... father/husband's name  
..... occupation.....  
complete address .....  
fax number with S.T.D. Code ....., and E-mail  
address ....., if any; of each Applicant.

Vs.

**Non-Applicant(s)** : The name [Company/Institution/Firm/Person(s)]  
....., age ....., father/husband's name,  
.....occupation.....  
complete address .....  
fax number with S.T.D. Code ..... and E-mail  
address ....., if any; of each Non-Applicant.

**(An application under Section 11 of the Arbitration and Conciliation Act, 1996)**

The Applicant(s) beg to submit for appointment of Arbitrator(s) on the following facts and grounds: -

1. There is an Arbitration Agreement dated ..... between Applicant & Non-Applicant.
2. Whether original/certified copy of the agreement is filed- if not, reason therefor:
3. The date ..... on which a request for referring the dispute to the Arbitration has been made by the Applicant to the Non-Applicant.



4. The description with date of reply of Non-Applicant, if any:
5. Details of remedies exhausted:
  - (a) .....
  - (b) .....
  - (c) .....

The Applicant declares that he has taken all necessary steps for appointment of an Arbitrator(s).

6. **Delay, if any, in filing the application and explanation therefor:**  
[State exact period within which the application is filed after expiry of statutory period for appointment of Arbitrator(s), if any]
7. **Facts of the case:**  
(Give a concise statement of facts in chronological order in separate paragraph)
8. **Ground urged:**  
[Separately state the grounds on which the relief(s) is/are claimed]
9. **Specify whether any application was previously instituted before any Court, the status or result thereof along with copy of the order, if any.**

**OR**

**A declaration that no proceedings on the same subject matter has been previously instituted before any Court.**

10. **Relief Prayed for:**  
(Specify below the relief prayed for)

**Place :** .....  
**Date :** .....

**Name:**  
**Signature:**  
**of Advocate for Applicants (s).]**

<sup>1</sup>[Format No. 2  
[Rule 4(1)]

IN THE DISTRICT COURT ....., MADHYA PRADESH

Miscellaneous Case No. . . . . / 20.....

**Cause Title**

**Applicant(s)** : The name [Company/Institution/Firm/Person(s)]  
..... , age ..... father/husband's name  
..... occupation.....  
complete address .....  
fax number with S.T.D. Code ....., and E-mail  
address ....., if any; of each Applicant.

Vs.

**Non-Applicant(s)** : The name [Company/Institution/Firm/Person(s)]  
....., age ....., father/husband's name,  
.....occupation... .. ,  
complete address .....  
fax number with S.T.D. Code ..... and E-mail  
address ....., if any; of each Non-Applicant.

**[An application under Section 9/14/27/34/39/43 (as the case may be) of the  
Arbitration and Conciliation Act, 1996]**

The Applicant(s) beg to submit for ..... on the  
following facts and grounds: -

1. There is an Arbitration Agreement dated ..... between Applicant & Non-Applicant.
2. Whether original/certified copy of the agreement is filed- if not, reason therefor:
3. The date ..... on which a request for referring the dispute to the Arbitration has been made by the Applicant to the Non-Applicant.

4. The description with date of reply of Non-Applicant, if any:
5. Details of remedies exhausted:
  - (a) .....
  - (b) .....
  - (c) .....

The Applicant declares that he has taken all necessary steps for appointment of an Arbitrator(s).

6. **Delay, if any, in filing the application and explanation therefor:**  
(State exact period within which the application is filed after expiry of statutory period for appointment of Arbitrator(s), if any)
7. **Facts of the case:**  
(Give a concise statement of facts in chronological order in separate paragraph)
8. **Ground urged:**  
(Separately state the grounds on which the relief(s) is/are claimed)
9. **Specify whether any application was previously instituted before any Court, the status or result thereof along with copy of the order, if any.**

**OR**

**A declaration that no proceedings on the same subject matter has been previously instituted before any Court.**

10. **Relief Prayed for:**  
(Specify below the relief prayed for)

**Place :** .....  
**Date :** .....

**Name:**  
**Signature:**  
**of Advocate for Applicants (s).]**

<sup>1</sup>[Format No. 3  
[Rule 4(1)]

**IN THE HIGH COURT OF MADHYA PRADESH PRINCIPAL SEAT  
AT JABALPUR / BENCH AT INDORE / BENCH AT GWALIOR**

**Arbitration Appeal No. . . . . . / 20.....**

**Cause Title**

**Applicant(s)** : The name [Company/Institution/Firm/Person(s)]  
....., age ....., father/husband's name  
..... occupation.....,  
complete address .....  
fax number with S.T.D. Code ....., and E-mail  
address ....., if any; of each Applicant.

Vs.

**Non-Applicant(s)** : The name [Company/Institution/Firm/Person(s)]  
....., age ....., father/husband's name,  
.....occupation.....,  
complete address .....  
fax number with S.T.D. Code ..... and E-mail  
address ....., if any; of each Non-Applicant.

**(An appeal under Section 37 of the Arbitration and Conciliation Act, 1996)**

Claim in appeal valued at Rs. ....  
Court Fees paid Rs. ....  
Claim before the Tribunal .....  
Amount awarded .....

Being aggrieved by the award as detailed in paragraph (I) below, the Appellant prefers this appeal on the following facts and grounds :

- (I) Particulars of the Award :**
- (a) Case Number .....
  - (b) Date of the Award .....
  - (c) Award passed by .....
  - (d) The name of the Member .....
  - (e) Designation and place of sitting of the Tribunal .....

**(II) Particulars of the Agreement :**

1. Date .....
2. Place .....

**(III) Particulars of the Facts (in chronological order) :**

1. ....
2. ....

**(IV) Details of Order passed by the Tribunal (in Short):**

.....  
.....

**(V) Other relevant Facts :**

.....  
.....

**(VI) Grounds of appeal :**

1. ....
2. ....

**(VII) Relief Claimed in appeal :**

.....  
.....

**(VIII) Caveat :**

That, no notice of lodging a caveat by the opposite party is received.

**OR**

Notice of caveat is received and the Appellant has furnished the copies of the memo of appeal together with copies of the annexure (if any) to the Caveator.

**Place :** .....

**Date :** .....

**Signature:**

**Advocate for Applicants (s).]**

**Note : To be filed in duplicate.**

<sup>1</sup>[Format No. 4  
[Rule 4(1)]]

**IN THE HIGH COURT OF MADHYA PRADESH PRINCIPAL SEAT  
AT JABALPUR / BENCH AT INDORE / BENCH AT GWALIOR**

**Arbitration Case/ Appeal No. . . . . . / 20.....**

**Cause Title**

**Applicant(s)** : The Name [Company/Institution/Firm/Person(s)]  
**Appellant** : .....

**Vs.**

**Non-Applicant(s)** : The Name [Company/Institution/Firm/Person(s)]  
**Non-Appellant(s)** : .....

**AFFIDAVIT**

I, ..... (Name of the Person), Father/husband's name  
..... age ..... years, occupation ..... Rs/o  
..... (Complete address), ..... (Designation of  
the person) of ..... (the name of [Company/Institution/Firm]),  
do hereby solemnly affirm on oath as and state as under :-

1. That, I am the Applicant/Appellant/Non-Applicant in the instant Application and well conversant with the facts and circumstances of the case.
2. That, the .....
3. That, the .....

**DEPONENT**

**VERIFICATION**

I, ..... (Name of the Person), the Deponent do hereby verify that the contents of affidavit from paragraph 1 to ..... are true to my personal knowledge and belief. Verified and signed on this..... (Date) day of .....(Month)..... (Year) at ..... (Name of the place)

**DEPONENT]**

<sup>1</sup>[Format No. 5  
[Rule 4(3) and 4(4)]

**IN THE HIGH COURT OF MADHYA PRADESH  
PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE / BENCH AT  
GWALIOR**

**Arbitration Case No. . . . . of . . . . .**

**Cause Title**

**Applicant(s)** : The name [Company/Institution/Firm/Person(s)]  
..... , age ..... father/husband's name  
..... occupation.....  
complete address .....  
E-mail address ....., if any; of each Applicant.

Vs.

**Non-Applicant(s)** : The name [Company/Institution/Firm/Person(s)]  
....., age ....., father/husband's name,  
.....occupation.....  
complete address .....  
E-mail address ....., if any; of each Non-Applicant.

**[An application under Section 36/47/56 (as the case may be) of  
the Arbitration and Conciliation Act, 1996]**

The Applicant(s) beg to submit for execution of Foreign Award dated  
..... passed in ..... (mention case no.) by ..... on the following  
grounds :

1. Foreign Award dated .....

2. There is an International Commercial Arbitration agreement dated ..... between the Applicant and Non-Applicant.
3. The Applicant/Non-Applicant (as the case may be) is an individual who is a national of ..... (Name of the country) or habitually resident of ..... (name of the country) or a body corporate which is incorporated in ..... (name of the country) or an association or a body of individuals whose central management and control is exercised in ..... (name of the country) or is the Government of ..... (name of the country).
4. Whether original/certified copy of the International Commercial Arbitration agreement is filed- if not, reasons therefor.
5. Whether the original Award or a copy thereof, duly authenticated in the manner required by the law of ..... (name of the country) in which it was made is filed- if not, Reasons therefor (as required under section 47 and section 56 of the Arbitration and Conciliation Act, 1996).
6. Whether the award has become final - Yes/No.
7. If the International Commercial Arbitration agreement dated ..... Or Foreign Award dated ..... is in a foreign language, whether a translation into English certified as correct by a diplomatic or consular agent of the country to which the party belongs or certified as correct in such other manner as may be sufficient according to the law in force in India is filed - if not, reasons therefor.



8. Details and mode of execution prayed for :

1	Original Case No.
2	Names of parties
3	Date of Award
4	Whether any appeal preferred from the Award
5	Payment or adjustment made, if any
6	Previous application, if any, with date and result
7	Amount with interest due upon the Award or other relief granted thereby together with particulars of any cross Award
8	Amount of costs, if any awarded
9	Against to be executed
10	Mode in which the assistant of the Court is required
	A.B. - Plaintiff C.D. - Defendant
	Yes/No
	Rs. P. As awarded in the Award Subsequently incurred Total
	Against the Non-Applicant
	<p>[When attachment and sale of movable property is sought] I Pray that the total amount of Rs. .... [together with interest on the principal sum up to date of payment and the costs of taking out this execution, be realized by attachment and sale of Non-Applicant's movable property as per annexed list and paid to me.</p> <p>[When attachment and sale of immovable property is sought] I Pray that the total amount of Rs. .... [together with interest on the principal sum up to date of payment] and the cost of taking out this execution, be realized by the attachment and sale of Non-Applicant's immovable property specified at the foot of this application and paid to me.</p>

I ..... declare that what is stated herein is true to the best of my knowledge and belief.

**Signed  
Applicant**

**Dated of ..... Day of .....**

**[When attachment and sale of immovable property is sought.]**

**Description and Specification of Property**

I ..... Declare that what is stated in the above description is true to the best of my knowledge and belief, and so far as I have been able to ascertain the interest of the defendant in the property therein specified.

**Signed  
Applicant**

**Dated of ..... day of .....]**

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