

# **The Cantonments (Regulation of Procedure of Committee of Arbitration) Rules, 1985**

# 27. The Cantonments (Regulation of Procedure of Committees of Arbitration) Rules, 1985

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[SRO 235 dated 31-10.1985—Whereas a draft of certain rules relating to the regulation of procedure of Committees of Arbitration which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 280 of the Cantonments Act, 1924 (2 of 1924) was published with the notification of the Government of India in the Ministry of Defence SRO No. 72 dated the 10th April, 1985, in the Gazette of India, Part II Section 4, dated the 27th April 1985, inviting objections and suggestions from all the persons likely to be affected thereby till the expiry of a period of sixty days from the date of publication of the said notification;

And whereas no objections and suggestions have been received by the Central Government, within the stipulated period ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 280 of the said Act, the Central Government hereby makes the following rules relating to the regulation of procedure of committees of Arbitration —

## **1. Short title and commencement :—**

(1) These rules may be called the Cantonments (Regulation of procedure of Committees of Arbitration) Rules, 1985.

(2) They shall come into force on the date of their publication in the Official Gazette.

## **2. Definitions:—**

In these rules unless there is any thing repugnant in the subject or context;

(a) “The Act” means the Cantonments Act, 1924.

(b) “Committee of Arbitration” means the committee of Arbitration constituted under section 262 of the Act.

(c) words and expressions used in these rules, but not defined shall have the same meanings assigned to them in the Act.

## **3. Procedure for filing an arbitration application :—**

In every case, where there is a disagreement as to the liability of the Board to pay any compensation under the Act or as to the amount of any compensation so payable the person claiming such compensation shall submit an application for arbitration to the Executive Officer specifying therein:—

(i) full details of his case and the basis of his claim ;



- (ii) original of the arbitration agreement, if any, out of or in connection with which the dispute has arisen or any documents or information relevant or relied upon.

#### **4. Reference to the Board :—**

On receipt of an application under rule 3, the Executive Officer shall refer it to the Board for convening a committee to determine the matter in dispute. At the same time, he shall prepare a rejoinder setting out the Board's case accompanied by all documents and information having a bearing on the matter.

#### **5. Rejoinder to be sent to the applicant :—**

The Executive Officer shall send a copy of the rejoinder and all the appended documents, if any, by registered post, to the applicant for information.

#### **6. Statement of reply to be sent by the applicant :—**

The applicant may, within thirty days of the receipt of the rejoinder or within such extended time as may be granted by the Committee for reasons to be recorded in writing submit a statement in reply to the rejoinder.

#### **7. Documents to be in quintuplicate :—**

All statements, replies and other documents and papers submitted by the parties and all appended documents shall be in quintuplicate.

#### **8. Challenge to the appointment of the arbitrator :—**

Any party shall have the right to challenge the appointment of an arbitrator on receipt of the notice of his appointment for reasons which disqualify the arbitrator. Such challenge shall be made within thirty days after his appointment has been communicated to the challenging party, or within thirty days of the party becoming aware of the reasons for which the challenge is made. Copies of the communication of challenge shall be sent to the other party and the District Magistrate.

#### **9. Hearing of parties :—**

The committee may decide reference on the written statements and documents accompanying them after hearing the parties.

#### **10. Appearance by parties :—**

At a hearing, a party shall be entitled to appear either himself personally or through his counsel or a duly authorised representative.

#### **11. Procedure for the Committee :—**

The Committee may proceed with the reference notwithstanding and failure by a party or parties to comply with any of the directions of the committee and may also proceed ex-parte with the reference in the absence of any or both the parties who fail to attend at the time and place appointed by the Committee.

## 12. Award to be made in four months :—

The Committee shall make an award within four months from the date of entering on the reference or within such extended time as the parties may agree. Where an award has been made, the Executive Officer shall furnish a true copy of the award to the applicant by registered post.

## 13. Fees to be awarded :—

The committee shall be entitled to allow fees and expenses of witnesses, cost of legal or technical advice or proceedings in respect of any matter arising out of arbitration, incurred by the committee and any other incidental expenses and charges in connection with or arising out of the reference or award as the committee shall in its discretion deem fit.

## 14. Costs to be awarded :—

The costs of the reference and the award including charges, fees and other expenses shall be in the discretion of the committee, which may direct as to by whom, and in what manner and in what proportion such charges fees and other expenses or any part thereof shall be borne and paid.

**15.** In respect of matters not specifically provided for in the rules, the provisions of the Indian Arbitration Act, 1940 shall apply.

### NOTES

**(i)—Committee of Arbitration** —For Constitution of Committee of Arbitration and its power please see Sections 261 to 265 of the Cantonments Act, 1924.

### COMMENTS

**(1) Application for arbitration**—Delay in filing – Condonation of, on showing sufficient cause – benefit u/s 5 of Limitation Act can be availed – in appropriate cases court can extend benefit of said section – delay caused in filing application not willful -on facts held liable to be condoned only upon payment of costs of Rs.20,000/- [AIR 2002 SC 55]

**(2) Ss 8,5** —**Application contemplated u/s 8 (1)**—is written application and not merely oral application. [AIR 2002 Bom 8]

