



# सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

## असाधारण

विधायी परिशिष्ट  
भाग-4, खण्ड (ख)  
(परिनियत आदेश)

लखनऊ, बुधवार, 1 फरवरी, 2023  
माघ 12, 1944 शक सम्बत्

UTTAR PRADESH SHASAN  
Nyaya Anubhag-7 (Kalyan Nidhi)

No. 683/VII-Nyaya-7-2022-01G-2022  
Dated Lucknow, February 1, 2023

### NOTIFICATION

प०आ०-53

#### THE UTTAR PRADESH ARBITRATION AND CONCILIATION RULES, 2020

IN exercise of powers conferred by Section 82 of the Arbitration and Conciliation Act, 1996, the High Court of Judicature at Allahabad makes the following rules :-

1. **Short title, commencement and applicability**-(1) These rules shall be called "The Uttar Pradesh Arbitration and Conciliation Rules, 2020".

(2) They shall come into force with effect from the date of their publication in the Uttar Pradesh Gazette.

(3) They shall extend to the State of Uttar Pradesh and shall apply to all proceedings before the 'Court' under the Arbitration and Conciliation Act, 1996 and to Commercial Court dealing with arbitration matters in accordance with Section 10 of the Commercial Courts, Commercial Divisions and Commercial Appellate Division of High Court Act, 2015.

2. **Definitions**-(1) In these rules, unless the context otherwise requires :-

- "Act" means the Arbitration and Conciliation Act, 1996;
- "Application" means an application filed in the 'Court' under the Act;
- "Code" means the Code of Civil Procedure, 1908, as amended from time to time;

(d) "Commercial Court", "Commercial Dispute" and "Specified Value" shall have such meaning as is defined in Section 2 of the Commercial Courts Act, 2015;

(e) "Court", shall mean 'Court' as defined in Section 2 (e) of the Arbitration and Conciliation Act, 1996 and includes the Commercial Court as defined in Section 2 (1) (d) of the Commercial Court Act, 2015.

(2) The words and phrases not defined here shall bear the same meaning as used or defined in the Arbitration and Conciliation Act, 1996 and Commercial Court Act, 2015 as the case may be.

**3. Mode of Application**—(1) Every application duly supported by an affidavit under the Act shall be filed before the Principal Civil Court of original jurisdiction in a district, and in the case where claim is of a commercial dispute and is of the specified value before the Commercial Court. Such application shall be made in writing, duly signed and verified on oath in the manner prescribed in Rule 15A of Order VI of the Code. It shall be divided into paragraphs, numbered consecutively and shall contain name, description and place of residence of the parties. It shall also contain a statement.

(a) Precisely disclosing all of the material facts constituting cause of action, and also identify the point of law, if any;

(b) of facts showing that the Court to which the application is presented has jurisdiction;

(c) relief (s) asked for; and

(d) names and addresses of the persons liable to be affected by the application :

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

(e) in the event the applicant seeks to rely upon documents than the applicant must include and enclose all such documents along with his application;

(f) the respondent may within thirty days of the receipt of the notice of the application or within the time prescribed by the Court issuing such notice (whichever is earlier), shall file a reply duly supported by an affidavit addressing all the matters as setforth in the application and in addition thereto any other such matter that the respondent may deem relevant must be disclosed and shall also identify the point of law, if any including stating the reasons why the relief sought by the applicant should not be granted;

(g) in the event the respondent seeks to rely upon any documents in its reply, the respondent must include and enclose all such documents along with its reply;

(h) Notwithstanding anything contained in this Rule and if the applicant wishes to file any documentary evidence in reply to the defendant's documentary evidence the applicant must file such documentary evidence in reply with the leave of the Court and serve a copy of such a documentary evidence on the concerned respondent at least a week prior to the date of hearing;

(i) Notwithstanding anything contained in this Rule and if the respondent after filing its response wishes to rely on any additional documentary evidence during the hearing the respondent must file such documentary evidence with the leave of the Court and serve copies of such documentary evidence on every other party to the application at least a week prior to the date of hearing;

(j) the parties shall also furnish a registered address indicating the current/permanent address of the parties to the litigation and well as such other details including the *e-mail* ID or such other address upon which the summons/notices can be served on such party;

(2) An application for enforcement of an arbitral award under Section 36 or Foreign award under Sections 49 and 58 of the Act shall be in the same manner as nearly as possible as per sub-rule (2) of rule 11 of Order XXI of the Code and shall be accompanied by (i) copy of the award duly signed by the Arbitrator, and in case of a foreign award the copy of the award, duly authenticated as per the law of the country in which it was made; and (ii) the copy of the agreement for arbitration as specified in Section 7 of the Act.

(3) The application for enforcement of a Foreign award in terms of Sections 49 and 58 of the Act shall further state that (i) the award has become final; and (ii) in case of Foreign award under Section 58 of the Act that the conditions mentioned in clauses (a) and (c) of Section 57(1) of the Act are satisfied.

**4. Court Fees**—The Court fees payable on all applications/appeals preferred before the Court shall be in accordance with the Court Fees Act, 1870, as amended and applicable in the State of Uttar Pradesh as well as in General Rules, (Civil), 1957, as applicable in the State of Uttar Pradesh.

**5. Form of Appeal**—(i) Every appeal under Section 37 of the Act filed before the Court arising from an order passed refusing to refer the parties to arbitration under Section 8 of the Act or from an order passed under sub-section (2) or (3) of Section 16 or from an order granting or refusing to grant an interim measure under Section 17, shall be presented in form of a memorandum which shall contain the name and complete address of the parties, the date and relevant particular of the award/order appealed against and shall set forth precisely in chronological order, in distinct paragraphs, concise statement of all material relevant facts, the grounds of objections and relief prayed for.

(ii) the memorandum of appeal shall be signed by the appellant or one of the appellant or its duly authorized agent and the counsel and shall contain a declaration that the contents set forth in memorandum are true to the best of knowledge of the person signing it that it has been filed for the first time.

(iii) the memorandum of appeal shall be accompanied by the copy of the award certified by the arbitral Tribunal or certified copy of the order as the case may be.

**6. Registration**—(1) Every application filed under the Act shall be numbered as Arbitration Case or execution arbitration application and every appeal shall be registered as an arbitration appeal and be registered in a separate register to be maintained for the purpose.

(2) Where the application or an appeal as the case may be, made, does not fulfill the requirement under the Act and these rules the Court may reject the same, summarily, after affording reasonable opportunity to the applicant to cure the defect.

(3) All miscellaneous applications filed in an Arbitration Case shall be allotted paper number in the same manner as is done in original suits.

**7. Issuance of notice**—The Court to which an application is presented shall direct notice to be given to all the opposite party(s) as may be arrayed and to such other person(s) as the Court deems fit and which as are likely to be affected by the proceedings, by registered post with acknowledgement due. The notice shall be accompanied by a copy of the application together with the documents filed by the applicant. Wherever possible the Court may also direct the party to additionally serve such of the opposite party (s) by *e-mail* and the party so directed to take steps for service on the other party through additional mode as mentioned above shall file an affidavit of service where it shall bring on record the proof/receipt of mode of service and shall also provide wherever possible the proof of delivery.

**8. Applicability of the provisions of the Code**—Save as otherwise expressly provided for in the Act or these Rules the provisions of the Code, as are amended from time to time, in relation to Commercial Courts established under the Commercial Courts Act, 2015, shall apply to all proceedings before the Court and shall be adhered to as far as possible for disposal of applications/appeal, as the case may be filed under Section 8, 9, 14, 27, 34, 37, 39, 43, 49 and 58 of the Act.

9. **Time to decide**—Save the period prescribed in the Act of 1996 duly amended, all Applications filed before the Court and Appeals arising out of Section 17 of the Arbitration and Conciliation Act, 1996 for which no time has been prescribed in the Act of 1996 shall be decided by the Court as far as possible within a period of six months from the date of service on the respondent and if so not decided the Court will have to record reasons in writing.

10. **Power to Call for Records**—The Court shall not ordinarily call for the records from the Court which has refused to refer the parties to arbitration under Section 8 of the Arbitration and Conciliation Act or from the Arbitrator while dealing with the application under Section 34 of the Arbitration and Conciliation Act, 1996 or an appeal under Section 37 arising from an order passed by the Arbitrator under Section 16 or Section 17 of the Arbitration and Conciliation Act, 1996, before it, unless for reasons to be recorded in writing the Court finds that the record from the Court/Arbitrator as the case may be, is necessary for deciding the controversy between the parties effectively and within the time frame prescribed by these rules.

11. **Repeal and Savings**—On coming into force of these rules, all existing rules, circulars governing the matter or dealt with or covered by these rules so far as they are inconsistent with the provisions of these rules or the Act shall stand repealed :

Provided that such repeal shall not affect or invalidate anything done, any action or decision taken, any decree or order or proceedings made or issued under the existing rules prior to the commencement of these rules.

By order of Court,  
AJAI KUMAR SRIVASTAVA-I,  
*Registrar General.*

पी०एस०यू०पी०-ए०पी० 1221 राजपत्र-2023-(1993)-599 (कम्प्यूटर/टी०/ऑफसेट)।

पी०एस०यू०पी०-ए०पी० 3 सा० न्याय-2023-(1994)-150 (कम्प्यूटर/टी०/ऑफसेट)।