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## Part III—Section 2

Statutory Notifications and Orders issued by  
Heads of Departments.

NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.

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**NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.**

JUDICIAL NOTIFICATIONS

**The Madras High Court (Arbitration) Rules, 2020.**

(Roc. No. 85/2020/MHCAC)

No. SRO C-7/2021.

In exercise of the powers conferred by Section 82 of the **Arbitration and Conciliation Act, 1996** (Act 26 of 1996), the High Court of Judicature at Madras hereby makes the following rules:-

**1. Short Title, Applicability and Commencement:**

- (i) These Rules may be called '**The Madras High Court (Arbitration) Rules, 2020**'.
- (ii) These Rules shall apply to proceedings before the Courts in Tamil Nadu and Puducherry under The Arbitration and Conciliation Act, 1996.
- (iii) These Rules shall come into force on and from the date of their publication in *Tamil Nadu Government Gazette* and 'Puducherry Government Gazette'.

**2. Definitions:** In these Rules, unless the context otherwise requires:

- (i) "**Act**" means The Arbitration and Conciliation Act, 1996 as amended from time to time.
- (ii) "**Code**" means Code of Civil Procedure, 1908 as amended from time to time.
- (iii) "**Practice Directions - Arb.**" shall mean directions issued from time to time by the Chief Justice in terms of Rule 11 (v) hereinbelow provided for the guidance of the Court.

Words and expressions not defined herein but defined in the Act shall have the meanings ascribed to them in the Act.

**3. Nomenclature and Cause Title:** Applications under the Act are given different nomenclatures in these Rules for the purpose of procedural convenience:

- (i) Every application filed under Sections 8, 9, 27, 29 A (5), 34 (3), 34 (4), 36 (3), 39 (2), 41 (2), 43 (3), 45 and 54 of the Act shall be numbered as 'Arbitration Application' ('Arb Appln.' in short).
- (ii) Every application filed under Sections 11, 14, 34, 47 to 49 and 55 to 58 of the Act shall be numbered as 'Arbitration Original Petition' ('Arbo O.P.' in short).
- (iii) Every appeal filed under Sections 37, 50 and 59 of the Act shall be numbered as 'Arbitration Appeal' ('Arb. Appeal' in short).
- (iv) Every application filed under Sections 17 (2) and 36 of the Act shall be numbered as 'Arbitration Enforcement Petition' ('Arb. E.P.' in short).
- (v) Subject to the above sub-rules (i) to (iv), all interlocutory applications in pending proceedings and all other proceedings filed under the Act shall be numbered as per sub-rule (i).

**4. Formats:**

- (i) Every Arbitration Application under Rule 3 (i) shall be in the form of a Judge's Summons (in the High Court) or a Petition (in other Courts) containing the relief sought and shall be supported by an affidavit containing the relevant facts and circumstances.
- (ii) Every Arbitration Original Petition under Rule 3 (ii) shall set out the facts in brief, the basis of challenge, wherever the award is challenged and the relief sought.
- (iii) The petition shall be verified by an affidavit.
- (iv) Every Arbitration Appeal under Rule 3 (iii) shall be in the form of memorandum, setting forth concisely and in distinct heads the grounds of appeal, numbered consecutively. The memorandum of appeal shall not give details of the disputes or the proceedings before the arbitral tribunal or the Court.
- (v) Every Arbitration Enforcement Petition under Rule 3 (iv) shall be in the form prescribed under the Code and the Rules of the High Court, Madras, Original Side, 1994, as applicable.

- (vi) Proceedings before the Court under the Act shall bear as part of the cause title the description 'In the matter of Arbitration and Conciliation Act, 1996' and 'In the matter of Arbitral Agreement dated..... ' or 'In the matter of Arbitral Award dated.....', as the case may be.
- (vii) Petitioner or Applicant shall disclose all previous proceedings with respect to the arbitration agreement, out of which the subject matter of the present proceedings arise, including the court or forum where such proceedings have been filed, whether pending or disposed.
- (viii) Documents to be filed in proceedings governed by these Rules shall be as prescribed in Practice Directions from time to time.

#### 5. Filing procedure:

- (i) To the extent applicable, the filing procedure in respect of proceedings under the Act shall be in accordance with:  
Code of Civil Procedure, Original Side Rules and Appellate Side Rules in the High Court, Code of Civil Procedure and Civil Rules of Practice in Courts other than the High Court.
- (ii) The filing procedure shall also be in accordance with Practice Directions issued from time to time under these Rules.
- (iii) Subject to sub-rule (iv), the sole arbitrator or arbitrators constituting the Arbitral Tribunal shall not be added as respondent or respondents. However, the petitioner shall give the names and the addresses for services of the sole arbitrator or all the arbitrators constituting the arbitral tribunal.
- (iv) Where allegations (including but not limited to proceedings under Section 14 and clause (i) of explanation 1 of sub-section 2 (b) of Section 34) are made against one or more arbitrators, all the arbitrators shall be made respondents.

#### 6. Procedure in relation to applications under Section 9 of the Act:

- (i) When an application is made for an interim measure, under Section 9 of the Act, the Court may -
  - (a) issue notice to the respondent; or
  - (b) make an ex-parte interim order that it thinks fit in accordance with the terms of the Code, where applicable; or
  - (c) dismiss it, with or without costs.

Provided that, where it is proposed to make an order by way of interim measure without giving notice of the application to the Respondent, the Court shall record the reasons for its opinion that the object of granting the interim measure would be defeated by delay and require the applicant:

- (a) to deliver to the Respondent, or to send to him by registered, speed post with acknowledgement due, within a day of the order granting the interim measure:
  - (i) a copy of the application;
  - (ii) a copy of the affidavit filed in support of the application; and
  - (iii) a copy of documents filed along with the application.
- (b) to cause to be filed, within the day immediately following the day on which such interim order is granted, an affidavit stating that Rule 7(1 )(a) has been complied with.
- (ii) Where an interim order has been granted without giving notice to the Respondent, the Court shall make an endeavour to finally dispose of the application within thirty days from the date on which the interim order was granted.
- (iii) In an application for interim measure filed before the commencement of the arbitral proceedings, the application shall specifically refer to the steps, if any, already taken to seek arbitration or demonstrate the intent to seek arbitration.

#### 7. Procedure in relation to petitions under Section 11 of the Act:

- (i) Every petition under Section 11 shall be posted for admission before the Court. On hearing a petition under Section 11 for admission, the Court may-
  - (a) admit and order notice to the respondent, or

- (b) direct the petitioner to issue notice along with the petition and documents to the respondent before the matter is heard for admission; or
- (c) dismiss the petition, with or without costs.

**8. Procedure in relation to petitions under Section 34 of the Act:**

- (i) Every petition under Section 34 shall be posted for admission before the Court. On hearing a petition under Section 34 for admission, the Court may—
  - (a) admit and order notice to the respondent, or
  - (b) direct the petitioner to issue notice along with the petition and documents to the respondent before the matter is heard for admission; or
  - (c) dismiss the petition, with or without costs.
- (ii) Where the court orders notice on admission, the Court shall endeavour to decide the admission within three months from the date of first hearing.
- (iii) When notice is issued under sub-rule (i), the records of the Arbitral Tribunal:
  - (a) shall be requisitioned where the admission is on one or more grounds under Section 34 (2) (a); and
  - (b) may be requisitioned in other cases.
- (iv) Notwithstanding the above, the arbitral tribunal shall preserve the records of such arbitral proceedings for a period of two years from the date of the award.
- (v) The Court may, at any stage of the proceedings before it, at the request of any party or *suo motu*, call for all or any part of the records of the arbitral tribunal.
- (vi) Where notice is ordered under sub rule (i), the Respondent shall not file any counter statement or counter affidavit, unless (a) the Court directs otherwise or (b) the petition alleges that the making of the Award was induced or effected by fraud or corruption. The petition shall be decided on the grounds of challenge and the records of the arbitral tribunal in cases where the same is requisitioned under sub rules (iii) and (v).

**9. Procedure in relation to Appeals under Sections 37, 50 and 59 of the Act:**

- (i) Every appeal under Sections 37, 50 and 59 of the Act shall be in the form of a memorandum of appeal signed by the appellant or his advocate. The memorandum of appeal shall be accompanied by a certified copy of the order appealed from. Provided that in cases of urgency, the appellant may apply to the Court for dispensing with the production of such certified copy of the order, by furnishing along with the appeal, a legible copy of the order appealed against, certified to be true, by the appellant or his advocate. In all such cases, the certified copy of the order shall be filed within such time as the Court may specify.
- (ii) Every appeal under Sections 37, 50 and 59 shall be posted for admission before the Court. On hearing an appeal under Sections 37, 50 and 59 for admission, the Court may—
  - (a) admit and order notice to the respondent
  - (b) direct the petitioner to issue notice along with memorandum of appeal and documents to the respondent before the matter is heard for admission; or
  - (c) dismiss the appeal, with or without costs.
- (iii) Where the court orders notice on admission, the Court shall endeavour to decide on the admission within three months from the date of first hearing.
- (iv) Where notice is ordered under sub rule (ii), the Respondent shall not file any counter statement or counter affidavit, unless the Court directs otherwise.
- (v) The Code, the Civil Rules of Practice, the Madras High Court Appellate Side Rules and the Madras High Court Original Side Rules shall apply, to the extent applicable, to the filing and hearing of appeals under Sections 37, 50 and 59.

**10. Procedure in relation to other Applications and Petitions:**

The procedure prescribed in Rules 6, 7, 8 and 9 above, shall apply *mutatis mutandis* to all other applications and petitions.

**11. Arbitration Enforcement Petitions:**

- (a) Arbitration Enforcement petitions may be filed in a court within whose jurisdiction the person against whom the enforcement is sought resides or carries on business or his property is situated.
- (b) The Code of Civil Procedure and the Madras High Court Original Side Rules, to the extent applicable, shall apply to the arbitration enforcement petitions.

**12. General:**

- (i) The Court may, at the request of a party or *suo motu* and at any stage of a proceeding before it, issue summons to the arbitrators to produce before the Court all or any part of the records of the Arbitral Tribunal.
- (ii) In all proceedings where the Court directs issuance of notice, the applicant shall, in addition to Court notice with leave of the Court, take out private notice by registered post, speed post with acknowledgement due or by courier with proof of delivery or by any other means of transmission (including electronic means) within 3 days from the date of such order.
- (iii) Court fees in relation to proceedings under this Act shall be governed by the High Court Fee Rules, 1956, the Tamil Nadu Court Fees & Suit Valuation Act or such other Acts and Rules as may be applicable from time to time.
- (iv) The principal District Judge may, at his discretion, make over proceedings under the Act to any Additional District Judges in that District.
- (v) The Chief Justice may from time to time issue, amend and withdraw Practice Directions - Arb. for the effective and efficient application of the Rules.

High Court, Madras,  
3rd March 2021.

C. KUMARAPPAN,  
*Registrar General.*

**PRACTICE- DIRECTIONS - Arb. I**

These practice directions are issued for guidance pursuant to sub-rule (v) of Rule 11 of the Madras High Court Arbitration Rules, 2020 and shall be read together with the Act and Rules there under as interpreted by Supreme Court and the Madras High Court.

**1. General:**

- 1.1 Pleadings in proceedings under the Act, shall be divided into paragraphs, sub-paragraphs (if necessary) and numbered consecutively. Each averment shall, so far as possible, be set out in a separate paragraph.
- 1.2 Pleadings shall contain in a concise form:
  - (a) the names, description and place of residence / business of the parties in the petition or the Judge's summons, as the case may be;
  - (b) names and addresses of the arbitrator or members of the Arbitral Tribunal;
  - (c) material facts constituting the cause of action and when it arose;
  - (d) facts demonstrating how the Court has jurisdiction;
  - (e) valuation of the claim, the court fees payable;
  - (f) limitation; and
  - (g) relief prayed for
- 1.3 Except as provided under the Rules, the provisions of the Code are not mandatory. However, regard shall be had to the underlying principles of the Code for guidance.
- 1.4 Wherever a rule requires an application to be supported by an affidavit such affidavit shall be sworn by the party concerned or by any person duly authorized by such party.
- 1.5 All proceedings presented to the Court shall be type, written or printed neatly and legibly on both sides of pages of legal size and green colour or as may be prescribed from time to time and the pages shall be stitched together.

- 1.6 Applications and petitions shall be filed along with a list of dates and events and a brief synopsis. Numbers and dates shall be expressed in figures and where dates given are not according to the English Calendar, the corresponding English dates shall also be given.

## **2. Jurisdiction of the Court:**

- 2.1 In all applications or petitions under the Act, excepting under Sections 8, 41, 45 and 54 of the Act, the Court may ascertain its jurisdiction to entertain such applications or petitions.
- 2.2 In a domestic arbitration, where the arbitral agreement prescribes the seat of arbitration the Court having jurisdiction over the seat of arbitration has exclusive jurisdiction. If the arbitral agreement does not prescribe the seat but refers to the venue or place of arbitration, this must be taken as the seat of arbitration unless the arbitral agreement contains any indication to the contrary. Failing the above, the Court's jurisdiction shall be determined in accordance with Section 2 (1) (e) (i) of the Act.
- 2.3 Where more than one Court has jurisdiction under the Act, the Court first entertaining any petition or application (except under Sections 8, 11, 45 and 54) shall have exclusive jurisdiction (refer Section 42 of the Act).

## **3. Documents:**

- 3.1 Applications under Sections 8, 9 and 14 (2) of the Act shall be filed along with the original arbitration agreement relied upon by the applicant(s) or a duly certified copy thereof and documents, if any, relevant to support the relief sought. Where the original arbitration agreement or a certified copy thereof is not available, the proviso to Section 8 (2) of the Act shall apply.
- 3.2 The duly certified copy of the arbitration agreement referred to above shall be certified by the party, his representative or by any statutory or other authority such as a notary public or sub-registrar under the Registration Act.
- 3.3 The arbitration agreement must be duly stamped and registered, where registration is mandatory.
- 3.4. Every proceeding challenging an award or appeals under the Act shall be accompanied by the Original Award challenged or Original Order appealed against or a duly certified copy of the same.
- 3.5 The respondent also shall be entitled to file relevant documents, if any.
- 3.6 A document in any language other than Tamil or English shall be accompanied by a true and accurate translation thereof in English language. Provided copies of documents in Tamil shall be translated if required by the Court.

## **4. Interim measures under Section 9 of the Act:**

- 4.1 Commencement of arbitral proceedings is not synonymous with the constitution of the Arbitral Tribunal. Commencement of arbitral proceedings has the same meaning given in Section 21. The date of commencement is the date of receipt of the request and not the date of dispatch of the request.
- 4.2 The applicant shall state whether the Arbitral Tribunal has been constituted and, if so, the applicant shall explain why an application for the same relief before the Arbitral Tribunal under Section 17 of the Act is not efficacious.

## **5. Enforcement of interim measures under Section 17 (2) of the Act:**

Orders granting interim measures shall be enforced *inter alia* under Section 17 (2) of the Act by arbitration enforcement petitions. Such petitions shall be filed along with certified copies of the orders of interim measures, duly certified by the sole arbitrator or in an Arbitral Tribunal comprising more than one arbitrator, by the presiding arbitrator or failing him, by any arbitrator.

## **6. Court assistance in taking evidence under Section 27 of the Act:**

- 6.1 An application under Section 27 of the Act shall be filed along with the order or minutes of the Arbitral Tribunal permitting such an application.
- 6.2 All the parties to the arbitral proceedings shall be made respondents. The Arbitral Tribunal or the arbitrators constituting the Arbitral Tribunal shall not be made parties to the application. However, the names and addresses of the arbitrators constituting the Arbitral Tribunal shall be disclosed in the affidavit filed in support of the application.
- 6.3 The Court may not decline to render assistance and the respondent(s) may not be heard against rendering such assistance. However, the Court may decide on the genuineness, scope and extent of the assistance required.

6.4 The Court may issue subpoena for production of documents before the Arbitral Tribunal, on such request being made, leaving open issues such as privilege, relevance, admissibility and proof for decision by the Arbitral Tribunal.

**7. Extension of time for making the award, Section 29 A (5) of the Act:**

7.1 It is appropriate that the application for extension should be made before the Court, if any, appointing the arbitrator or any of them.

7.2 Where a Court has not appointed any arbitrator, the application should be made to the Court having jurisdiction.

**8. Challenge to an award under Section 34 of the Act:**

8.1 Every petition filed under Section 34 of the Act shall set forth the basis of the challenge to the award concisely and under distinct heads (within the ambit of Section 34) without any argument or narrative and these shall be numbered consecutively.

8.2 Every petition filed under Section 34 of the Act shall contain the following declaration as part of the petition:

"It is hereby declared that the documents filed along with the petition are documents which form part of the records of the Arbitral Tribunal and that no other documents are filed herewith."

8.3 The petitioner shall file along with the petition all documents that are relevant for the basis of challenge to the award. The petitioner shall not be permitted to file documents which were not presented before the Arbitral Tribunal, except with the leave of the Court or in challenges falling under Explanation I of Section 34 (2) (b) (ii). Copies of the pleadings before the Arbitral Tribunal, witness statements, cross-examination of witnesses and documents produced before the tribunal, which are relied on by the petitioner, shall be filed separately.

8.4 The petitioner shall indicate on each document the exhibit number, if any, assigned to such document by the Arbitral Tribunal. The petitioner shall indicate in the petition, documents, if any to be summoned from the Arbitral Tribunal.

8.5 Proceedings under Section 34 of the Act shall be disposed of by a summary procedure.

8.6 If there are matters not contained in such record and these are relevant they may be brought to the notice of the Court by way of affidavits filed by both parties. Cross examination of the deponents of such affidavits shall not be allowed unless absolutely necessary.

8.7 The respondent also shall be entitled to file relevant documents, if any.

**9. Enforcement of an arbitral award under Section 36 (1) of the Act:**

Arbitral awards shall be enforced under Section 36 (1) of the Act by arbitration enforcement petitions. The arbitration enforcement petition shall be filed along with a certified copy of the award, duly certified by the sole arbitrator or in an Arbitral Tribunal comprising more than one arbitrator, by the presiding arbitrator or failing him, by any arbitrator.

**10. Enforcement of foreign awards under Sections 48 & 49 of the Act:**

10.1 Petitions to enforce a foreign award shall be accompanied with the documents mentioned in Section 47 of the Act. A copy of the arbitration agreement may be certified by the party or his representative, notary public or by any or other authority whether in India or abroad.

10.2 It is not necessary for a foreign award to be stamped in accordance with the Indian law.

10.3 It is not necessary to take separate proceedings one for deciding the enforceability of the award and the other to take up execution thereafter. In a composite proceeding, the Court shall first decide on the enforcement of the award and thereafter proceed with its execution.

10.4 This procedure shall apply *mutatis mutandis* to petitions for enforcement of foreign awards under Sections 57 and 58 of the Act.

**11. Forms:**

The Forms in the Appendix, wherever applicable, shall be used with such variations as circumstances may require.

## APPENDIX

**Form 1 - Section 11 petition in the High Court**

IN THE HIGH COURT OF JUDICATURE AT MADRAS (ORDINARY ORIGINAL CIVIL JURISDICTION)

Arb. O.P. No.of 20

In the matter of the Arbitration

&amp; Conciliation Act 1996

And

In the matter of an arbitration agreement dated \_\_\_\_\_

ABC

Petitioner(s)

VS

DEF

Respondent(s)

**PETITION FILED UNDER SECTION 11 OF THE ARBITRATION AND CONCILIATION ACT 1996**

The Petitioner states as follows:

1. The Petitioner is \_\_\_\_\_ son / daughter / spouse of \_\_\_\_\_, aged about \_\_\_\_\_ years, residing at /having office at \_\_\_\_\_

(or)

The Petitioner is \_\_\_\_\_ a company / partnership Firm, constituted under the Companies / Partnership Act, having its \_\_\_\_\_ office at \_\_\_\_\_ and is represented by its Managing Director / Authorized Signatory / Partner, \_\_\_\_\_

The address of the Petitioner(s) for service of all summon and processes is that of his / her counsel, \_\_\_\_\_

2. The Respondent is \_\_\_\_\_, son / daughter / spouse of \_\_\_\_\_ aged about \_\_\_\_\_ years, residing at / having office at \_\_\_\_\_.

(or)

The Respondent is \_\_\_\_\_, a company / partnership Firm, constituted under the Companies / Partnership Act, having its \_\_\_\_\_ office at \_\_\_\_\_ and is represented by its Managing Director / Authorized Signatory / Partner \_\_\_\_\_

The address of the respondent(s) for service of all summons and processes is the same as stated above.



3. An arbitration agreement as defined in Section 7 of the Arbitration and Conciliation Act, 1996 (hereinafter called the 'Act') exists between the petitioner and the respondent. (Briefly explain the arbitration agreement including its scope and the manner of appointment of arbitrators). The original arbitration agreement (or a certified copy of the arbitration; agreement) is filed herewith.
4. Disputes have arisen between the petitioner and the respondent and such disputes are arbitrable under the aforesaid arbitration agreement. (Briefly explain the disputes and the manner in which arbitration proceedings commenced in relation to these disputes under Section 21 of the Act. The disputes, headings of claims, justification and defences need not be given in detail.)
5. Explain the steps taken for appointment of the arbitrator and why this Hon'ble Court should appoint an arbitrator under section 11 (including the sub-sections) of the Act (Give details if one or more arbitrators have already been appointed under the arbitration agreement).
6. This Hon'ble Court has jurisdiction to entertain and decide the above Petition since (Explain how this Hon'ble Court has jurisdiction).
7. The Petitioner submits that he / she / it has not instituted any similar Petition under section 11 of the Act for the relief prayed herein before this Hon'ble Court or any other Court / arbitral institution. (If any such Petition has been filed, explain the status of such Petition and how this Petition is maintainable before this Court).
8. The Petitioner pays a Court Fee of Rs. ....under..... .
9. It is, therefore prayed that this Hon'ble Court may be pleased to:
  - (a) Appoint an arbitrator to adjudicate the disputes between the petitioner and the respondent in terms of the arbitration agreement dated ....
  - (b) Direct the respondent to pay costs and
  - (c) Grant such further reliefs as this Hon'ble Court may deem fit under the Circumstances of the case and thus render justice.

Dated at Chennai on this day of .....

Counsel for Petitioner(s)

Petitioner (s)

LIST OF DOCUMENTS FILED WITH THE PETITION

S.No.	Date	Description	Original/Copy

Dated at Chennai on this day of .....

Counsel for Petitioner(s)

**Form 2 - Section 34 Petition in the High Court / District Court**

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
(ORDINARY ORIGINAL CIVIL JURISDICTION )

(OR)

BEFORE THE DISTRICT COURT OF -----  
(ORIGINAL CIVIL JURISDICTION)

Arb. O.P. No.        of 20 \_\_\_\_

In the matter of the Arbitration  
& Conciliation Act 1996  
And

In the matter of A ward dated ---

ABC

Petitioner( s)

VS

DEF

Respondent( s)

**PETITION FILED UNDER SECTION 34 OF THE ARBITRATION AND CONCILIATION ACT 1996**

The Petitioner states as follows:

1. The Petitioner is \_\_\_\_\_, son / daughter / spouse of \_\_\_\_\_ aged about \_\_\_\_\_ years, residing at / having office at \_\_\_\_\_

(OR)

The Petitioner is \_\_\_\_\_, a company / partnership Firm, constituted under the Companies / Partnership Act, having its \_\_\_\_\_ office at \_\_\_\_\_ and is represented by its Managing Director / Authorized Signatory / Partner, \_\_\_\_\_

The address of the Petitioner(s) for service of all summon and processes is that of his / her counsel, \_\_\_\_\_

2. The Respondent is \_\_\_\_\_, son / daughter / spouse of \_\_\_\_\_ aged about \_\_\_\_\_ years, residing at / having office at \_\_\_\_\_

(OR)

The Respondent is \_\_\_\_\_, a company / partnership Firm, constituted under the Companies / Partnership Act, having its \_\_\_\_\_ office at \_\_\_\_\_ and is represented by its Managing Director / Authorized Signatory / Partner, \_\_\_\_\_

The address of the respondent(s) for service of all summons and processes is the same as stated above.

3. The Arbitral Tribunal comprised:

- > Mr./Ms. \_\_\_\_\_ as Presiding Arbitrator / Sole Arbitrator whose address for service is \_\_\_\_\_
- > Mr./Ms. \_\_\_\_\_ as a Co-Arbitrator whose address for service is \_\_\_\_\_
- > Mr./Ms. \_\_\_\_\_, as Co-Arbitrator whose address for service is \_\_\_\_\_

4. (a) The Petitioner prefers the above Petition under section 34 of the Arbitration and Conciliation Act 1996 to set aside the A ward dated \_\_\_\_\_passed by the Arbitral Tribunal on the following grounds of challenge detailed below:

- a .....
- b .....
- c .....
- d .....

**(b) Brief Facts**

5. This Hon'ble Court has jurisdiction to entertain and decide the above Petition.  
*(Please give reasons how the court has jurisdiction).*

6. The Petitioner states that the Petitioner has not and to the best of the petitioner's knowledge no other person has instituted before this Hon'ble Court or any other Court any similar Petition under section 34 of the Act to set aside the Award or any other petition which would attract section 42 of the Act. *(If any such Petition has been filed, please explain the status of such Petition and how this Petition is maintainable before this Court).*

7. It is hereby declared that the documents filed along with the petition are documents which form part of the records of the Arbitral Tribunal and that no other documents are filed herewith *(except in challenges falling under Explanation I of Section 34 (2) (b) (ii))*. It is further declared that the petitioner has filed all the documents that are intended to be relied upon in support of the petition.

8. This Petition is filed within the period of limitation prescribed under section 34 of the Arbitration and Conciliation Act, 1996 as the Award was passed by the Arbitral Tribunal on \_\_\_ and received by the Petitioner on \_\_\_\_\_ .

9. The value of the subject matter of the Award to the extent challenged in this petition is \_\_\_\_\_. Hence, the Petitioner pays a Court Fee of Rs. \_\_\_\_ under Article 10 (m) of Schedule II of the Tamil Nadu Court Fees and Suit Valuation Act, 1955.

10. It is therefore prayed that this Hon'ble Court may be pleased:

- (a) To set aside the Arbitral Award dated \_\_\_ bearing No.\_\_\_\_\_passed by\_\_\_\_\_ in its entirety (OR) to the extent to which it is challenged.
- (b) to direct the respondent to pay the costs and
- (c) to grant such further reliefs as this Hon'ble Court may deem fit under the circumstances of the case and thus render justice.

Dated at Chennai on this day of \_\_\_\_\_

Counsel for Petitioner( s)

Petitioner(s)

**MEMO OF CALCULATION FOR THE PURPOSE OF COURT FEE**

- 1. Value of the subject matter of the Award to the extent challenged in this petition
- 2. Court fee paid thereon

Dated at Chennai on this day of \_\_\_\_\_

Counsel for Petitioner(s)

**LIST OF DOCUMENTS FILED WITH THE PETITION**

S. No.	Date	Exhibit No.	Description

Dated at Chennai on this day of \_\_\_\_\_

Counsel for Petitioner(s)

**Form 3 - Section 37,50 & 59 Appeal in the High Court**

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
(APPELLATE JURISDICTION)

Arb. Appeal No. OF 20—

In the matter of Section 37 / 50 / 59 of the  
Arbitration & Conciliation Act 1996

Appellant(s)

ABC

VS

DEF

Respondent(s)

APPEAL FILED UNDER SECTION 37 / 50 / 59 OF THE ARBITRATION  
AND CONCILIATION ACT, 1996

The Appellant states as follows:

1. The Appellant is \_\_\_\_\_, son / daughter / spouse of \_\_\_\_\_, aged about \_\_\_ years, residing at / having office at \_\_\_\_\_

(OR)

The Appellant is \_\_\_\_\_, a company / partnership Firm, constituted under the Companies / Partnership Act, having its \_\_\_\_\_ office at \_\_\_\_\_ and is represented by its Managing Director / Authorized Signatory / Partner, \_\_\_\_\_

The address of the Appellant for service of all summon and processes is that of his / her counsel, \_\_\_\_\_

2. The Respondent is \_\_\_\_\_, son / daughter / spouse of \_\_\_\_\_, aged about \_\_\_\_\_ years, residing at / having office at \_\_\_\_\_

(OR)

The Respondent is \_\_\_\_\_, a company / partnership Firm, constituted under the Companies / Partnership Act, having its \_\_\_\_\_ office at \_\_\_\_\_ and is represented by its Managing Director / Authorized Signatory / Partner \_\_\_\_\_

The address of the respondent for service of all summons and processes is the same as stated above.

3. The Arbitral Tribunal comprised:

- > Mr./ Ms. \_\_\_\_\_ as Presiding Arbitrator / Sole Arbitrator, whose address for service is \_\_\_\_\_
- > Mr./ Ms. \_\_\_\_\_ as the Co-Arbitrator, whose address for service is \_\_\_\_\_
- > Mr./ Ms. \_\_\_\_\_ as the Co-Arbitrator, whose address for service is \_\_\_\_\_

4.(a) The Appellant prefers this Appeal under section 37 / 50 / 59 of the Arbitration and Conciliation Act 1996 to set aside the Order dated \_\_\_\_\_ passed by the \_\_\_\_\_ on the following grounds:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_
- e. \_\_\_\_\_

**(b) Brief Facts**

5. The Appellant values the Appeal at \_\_\_\_\_ and pays a Court Fee of \_\_\_\_\_ under \_\_\_\_\_

6. It is, therefore prayed that this Hon'ble Court may be pleased:

(a) to set aside the Order dated \_\_\_\_\_ bearing No. \_\_\_\_\_ passed by \_\_\_\_\_ in its entirety (OR) to the extent to which it is challenged.

(c) direct the respondent to pay the costs and

(d) to grant such further reliefs as this Hon'ble Court may deem fit under the circumstances of the case and thus render justice.

Dated at Chennai on this day of ----

Counsel for Appellant

MEMO OF CALCULATION FOR THE PURPOSE OF COURT FEE

1. Value of the Relief claimed in the original proceedings

2. Court fee, if any paid therein

3. Value of the Appeal

4. Court fee paid herein

Dated at Chennai on this day of \_\_\_\_\_

Counsel for Appellant (s)

**Form 4 - Affidavit verifying petition\_\_\_\_\_**

Cause title

AFFIDAVIT VERIFYING PETITION

I, \_\_\_\_\_, son / daughter / spouse of \_\_\_\_\_, aged about, residing at / having

office at \_\_\_\_\_, do hereby solemnly affirm and sincerely state as follows:

1. I am the Petitioner and I am competent to file this affidavit. (OR) I am a director / secretary / partner / authorised signatory of the Petitioner and I am duly authorized to file this affidavit on behalf of the petitioner.

2. The statements made in paragraphs \_ to \_ are true to my knowledge and the statements made in paragraphs to \_\_\_\_\_ are based on information / documents and I believe them to be true.

Solemnly affirmed at \_\_\_\_\_.

On this the \_\_\_\_\_ Day of \_\_\_\_\_ 20

And signed his / her name in my

BEFORE ME,

Presence

ADVOCATE,.....

**Form 5 - Form of Notice calling for Records of Arbitral Tribunal**

Cause title

To,

Sir/s,

Sub.: Order dated \_\_\_\_\_ in the above Arb. OP / Arb. Appeal- Calling for the records of Arbitral Tribunal/Calling for specific documents from the records of the Arbitral Tribunal.

The Hon'ble Court by order dated \_\_\_\_\_ was pleased to call for the records of the Arbitral Tribunal (or) call for specific documents from the records of the Arbitral Tribunal pertaining to the Award / Order dated, which is the subject matter in the above Arb. OP / Arb. Appeal.

Accordingly, you are requested to transmit the entire records of Arbitral Tribunal (or) documents from the records of the Arbitral Tribunal specified below in sealed envelope to the Office of the Registrar General with the reference of the Arb. OP No. or Arb. Appeal No. on or before \_\_\_\_\_, to enable the same to be placed before the Hon'ble Court.

List of documents specified above:

S. No.	Date	Exhibit No.	Description

The Arb. OP / Arb. Appeal is next scheduled to be heard on \_\_\_\_\_

Yours faithfully,

Asst. Registrar (OS), High Court, Madras/  
Asst. Registrar (Appellate side), High Court, Madras /  
Sheristral, District Court,.....

High Court Madras,  
3rd March 2021.

C. KUMARAPPAN,  
*Registrar General.*

## GENERAL NOTIFICATIONS

**Tamil Nadu Pollution Control Board, Chennai.****Amendment to the Tamil Nadu Pollution Control Board, (Discipline and Appeal) Regulations**

[G.O.Ms. No.78, Environment and Forests (EC.2), 31st October 2020.]

(Lr.No. TNPCB/Per/CS/31350/2010)

No. SRO C-7/2021.

In exercise of powers conferred by clause (b) of the proviso to sub-section (3-A) of Section 12 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974), the Tamil Nadu Pollution Control Board, with the approval of the State Government hereby makes the following amendment to the Tamil Nadu Pollution Control Board (Discipline and Appeal) Regulations.

2. The amendment hereby made shall come into force on the 31st October 2020.

## AMENDMENT

In the said Regulations, after the regulation 25, the following regulation shall be inserted, namely:-

"25-A, Notwithstanding anything contained in these regulations -

(1) The Government, may at any time, either in their own motion or otherwise call for the records of any enquiry and revise any order made under these regulations and may,

- (a) confirm, modify or set aside the order, or
- (b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or
- (c) remit the case to the authority which made the order or to any other authority directing such authority to make such further enquiry as it may consider proper in the circumstances of the case; or
- (d) pass such other orders as they may deem fit:

Provided that no order imposing or enhancing any penalty shall be made unless the member of the service concerned has been given a reasonable opportunity of making his representation against the penalty proposed and where it is proposed to impose any of the penalties specified in items (3), (7) (8) and (9) of regulation 3 or to enhance the penalty imposed by the order sought to be revised to any of the penalties specified in those items, and if an inquiry under clause (2) of regulation 8 has not already been held in the case, no such penalty shall be imposed except after an inquiry in the manner laid down in the said clause (2) of regulation 8, which shall be subject to the provisions of clause (4) thereof.

(2) No proceeding for revision shall be commenced-

- (a) Where no appeal has been preferred, before the expiry of the period of limitation for an appeal, or
- (b) Where an appeal has been preferred, before the disposal of such appeal.
- (c) An application for revision shall be within the same manner as if it were an appeal under these regulations".

It is requested to publish this amendment to Tamil Nadu Pollution Control Board (Discipline and Appeal) Regulations 2010 in the *Tamil Nadu Government Gazette*.

Guindy, Chennai-600 032,  
12th March 2021.

SANDEEP SAXENA,  
Additional Chief Secretary to Government.

A.V. VENKATACHALAM,  
Chairman,  
Tamil Nadu Pollution Control Board.