



Centre for Arbitration and
Consultancy Development

Financial Management and Arbitrator's fees Rules'

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INTRODUCTION

- 1.** These rules may be called Centre for Arbitration and Consultancy Development (CACD) (Financial Management and Arbitrators' Fees) Rules [for short, CACD (Fee) Rules].
- 2.** An arbitration shall be administered in accordance with these Rules where the parties have signed joint memorandum agreeing that the case be administered by the CACD.
- 3.** The administration of finances and fees under this rule includes:
 - a. fixing of Tribunal's fees;
 - b. collecting deposits towards the costs of the arbitration;
 - c. administering the deposits submitted by the parties in dispute;
 - d. processing the Tribunal's fees and expenses for the services of arbitrator's;
 - e. maintaining and administering the records/ account of the Administrative Cost miscellaneous or other expenses;
 - f. rendering of proper accounts.

COSTS OF THE ARBITRATION

- 4.** The parties are jointly and severally liable for the costs of the arbitration. Unless the Centre-Head directs otherwise, the Arbitrators fees, Administrative Cost and charges towards the miscellaneous expenses likely to be incurred during arbitration set forth in these Rules shall be shared equally by the parties.
- 5.** The fees payable to the Arbitrators shall be determined in accordance with the scales specified in the Schedules of Arbitrators' Fees in force at the time of commencement of the arbitration. These fees are payable following the final conclusion of the case.
- 6.** The fee indicted in the appropriate schedule relates to the maximum amount payable to tribunal comprising of single arbitrator. Where a Tribunal comprises of more than one arbitrator, equal amount of fee for each arbitrator has to be deposited with the centre.
- 7.** Where an arbitrator, is required to travel beyond local limits from his place of residence upon the parties choice, will be reimbursed with charges towards his reasonable accommodation, airfare, stay and mileage be equally borne by the parties.

8. Interim payments may be made at the discretion of the Centre-Head following the completion of significant stages of an arbitration proceeding.
9. The Administrative cost' once deposited shall not be refundable, under any conditions.

INTERIM PAYMENTS TO THE ARBITRATOR (S)

10. In appropriate circumstances and upon the request, the Centre-Head at his discretion may allow interim payments to be made.
11. In assessing such payments, the Centre-head shall take into consideration the relevant stage of the arbitration and the work undertaken by the arbitrator to date. The following may be taken as benchmark to determine the interim payments:

Stages	Fees
Framing of Issues	Nil
Completion of recording the evidences	Up to 30%
Completion of final arguments and Award reserved	Up to 40%

12. In no cases, such payments shall exceed 50% of the arbitrator's fees ascertained in accordance with the applicable Schedule.

ARBITRATORS' FEES WHEN PROCEEDINGS ARE WITHDRAWN OR SETTLED

13. In the event of the arbitration being terminated, withdrawn or settled, the Centre-Head shall fix the quantum of fees payable to the arbitrator(s). In doing so, the Centre-Head shall take into account the stage at which the arbitration proceedings stood terminated and the extent of work done or time spent by the Arbitrators on the matter.

TRIBUNAL NOT TO MAKE DIRECTIONS REGARDING FEES

14. The Tribunal shall not at any time issue instructions in relation to its own fees, expenses, and deposits thereof.

- 15.** Any issue pertaining to the costs, expenses or deposits in the arbitration shall be dealt with by the Centre only.

INTEREST ON ADVANCES & DEPOSITS

- 16.** Any interest earned on advances and deposits towards the costs of the arbitration shall be retained by the CACD.

AMENDMENT OF RULES

- 17.** These Rules may be amended by the Centre in consultation with the Arbitration Committee.

RESIDUARY PROVISION

- 18.** The Arbitration Committee may take appropriate decisions, as it considers necessary in respect of all matters which are not specifically provided in these Rules.

Schedule- I

(Domestic Arbitration)

SCHEDULE 'A' **Arbitrator's Fees**

The fees for the services of an arbitrator to be made by the parties under the Arbitration Rules of CACD

SUM IN DISPUTE	FEES
Up to Rs. 5,00,000/-	Rs. 40, 000/-
Above Rs. 5,00,000/- and Up to 25,00,000/-	Rs. 40, 000/- + 3.5 % of the claim amount above Rs. 5,00,000/-
Above Rs. 25,00,000/- and Up to 1,00,00,000/-	Rs. 1,10,000/- + 3% of the claim amount above Rs. 25,00,000/-
Above Rs. 1,00,00,000/- and Up to 10,00,00,000/-	Rs. 3,35,000/- + 0.75% of the claim amount above Rs. 1,00,00,000/-
Above Rs. 10,00,00,000/-	Rs. 10,10,000/- + 0.5% of the claim amount with a ceiling of Rs. 25,00,000/-

Note:..

- 1. The fee indicted herein above is the maximum amount payable to one arbitrator.*
- 2. Where a Tribunal comprises of more than one arbitrator, equal amount of fee for each arbitrator has to be deposited with the centre.*
- 3. Fees are subject to taxes as applicable at the time of its release.*

SCHEDULE 'B'

Arbitrator's Fees in Summary Arbitration

For Summary Arbitration' administered under the CACD's Arbitration Rules, the fees calculated in the Schedule below applies to the parties and is the maximum amount payable to the CACD.

SUM IN DISPUTE	FEES
Up to Rs. 5,00,000/-	Rs. 35, 000/-
Above Rs. 5,00,000/- and Up to 25,00,000/-	Rs. 35, 000/- + 1% of the claim amount above Rs. 5,00,000/-
Above Rs. 25,00,000/- and Up to 1,00,00,000/-	Rs. 55,000/- + 0.75% of the claim amount above Rs. 25,00,000/-
Above Rs. 1,00,00,000/- and Up to 10,00,00,000/-	Rs. 1,11,250/- + 0.50% of the claim amount above Rs. 1,00,00,000/-
Above Rs. 10,00,00,000/-	Rs. 5,61,250/- + 0.25 % of the claim amount with a ceiling of Rs. 10,00,000/-

Note:.. Sums in dispute mentioned in the Schedule above shall include counter-claim made by a party.

SCHEDULE – ‘C’

Arbitrator’s Fees in Emergency Arbitration

The following fees shall apply for an Emergency Arbitration conducted under the CACD’s Arbitration Rules.

SUM IN DISPUTE	FEES
Fixed fee , irrespective of sum in dispute	Rs. 30, 000/-

Note:.. *In addition to the amount mentioned herein above, the parties shall be required to pay a sum of Rs. 8,000/- per day towards usage and arrangement of facilities by the Centre on the days the Arbitral Tribunal holds its sittings.*

SCHEDULE – ‘D’

Fees in Mediation- Arbitration (Med –Arb)

CACD’s recommended Fee Schedule for *Mediation- Arbitration* (popularly called Med-Arb) to be paid by the parties prior to the commencement of the adjudication is set out below:

SUM IN DISPUTE	FEES
Up to Rs. 10,00,000/-	Rs. 25, 000/-
Between Rs. 10,00,000/- to Rs.50,00,000/-	Rs. 40,000/-
Between Rs. 50,00,000 to Rs. 2,0,000,000/-	Rs. 75,000/-
Above 2,0,000,000/-	Rs. 100,000/-

SCHEDULE – ‘E’ **Administrative costs**

Administrative costs as mentioned in the Schedule below apply to all arbitrations administered by the CACD.

SUM IN DISPUTE	FEES
Up to Rs. 10,00,000/-	Rs. 25, 000/-
Between Rs. 10,00,000/- to Rs.50,00,000/-	Rs. 40,000/-
Between Rs. 50,00,000 to Rs. 2,0,000,000/-	Rs. 75,000/-
Above 2,0,000,000/-	Rs. 100,000/-

- Note:..**
- 1. Administrative costs shall be paid along with the request for arbitration.*
 - 2. The administrative costs do not include the cost towards usage of amenities, facilities and support services in connection with arbitration proceedings*

Schedule- II

(International Arbitration)

SCHEDULE – ‘F’
Arbitrator’s Fees

SUM IN DISPUTE (IN US \$)	FEES
Up to 50,000	US\$ -3,800/-
From 50,001/- to 1,00,000/-	US\$ - 3,800/- + 2.20% of amount over and above US\$ 50,000/-
From 1,00,001/- to 5,00,000/-	US\$ - 4,900/- + 1.20% of amount over and above US\$ 1,00,000/-
From 5,00,001/- to 10,00,000/-	US\$ - 9,700/- + 0.10% of amount over and above US\$ 5,00,000/-
Over 10,00,000/-	US\$ - 14,700/- + 0.65% of amount over and above US\$ 10,00,000/-

SCHEDULE – ‘G’
Administrative costs

SUM IN DISPUTE (IN US \$)	FEES
Up to 50,000	US\$ - 1,000/-
From 50,001 to 1,00,000	US\$ - 1,000/- + 1.0% of amount over and above US\$ 50,000/-
From 1,00,001 to 5,00,000	US\$ -1,500/- + 0.25% of amount over and above US\$ 1,00,000/-
5,00,001 to 10,00,000	US\$ - 2,500/- + 0.18% of amount over and above US\$ 5,00,000/-
Over 10,00,000	US\$ - 3,400/- + 0.12% of amount over and above US\$ 10,00,000/-with a ceiling of US\$- 7000/-

SCHEDULE – ‘H’
Arbitrator’s Fees in Emergency Arbitration

SUM IN DISPUTE (IN US \$)	FEES
Fixed fee , irrespective of sum in dispute	US\$-2,750

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