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## **PRACTICAL APPROACH TO ARBITRATION AWARD**

Following are guidelines for making an Arbitral Award are being suggested taking into consideration the Arbitration Act, 1996 and also various Arbitration Rules of ICA and other Associations/Councils of Arbitration:

(i) **No Award should be made without notice to other party and before lapse of reasonable time:**

No Award shall be made by Arbitral Tribunal unless the case party applying for arbitration has been brought to the notice of the other party

(ii) **Award of the Majority shall prevail:**

When there is more than one Arbitrator, the Award of Majority shall prevail. Failing a majority, the Presiding Arbitrator of the Arbitral Tribunal alone shall make the Award.

(iii) **Award as per Agreement of the parties:**

If fortunately the parties to the disputes reached to a common agreement before the Arbitral Tribunal and if such agreement is genuine and also not defeating the purpose of any law, such agreement itself can be the Award of Tribunal. Otherwise the Tribunal shall make the Award on the basis of the evidence, documents etc. filed by the parties.

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(iv) **Duration of making Award**

It is suggested to make the Award expeditiously as possible, preferably within six months from the date of reference and subject to a maximum of two years. Even if the Arbitral Tribunal is not in a position to make the Award for certain technical reasons, the period should be extended by an agreement between the parties to dispute. Otherwise it can be challenged in the Court and such Award can be set a side.

(v) **Award must be a Reasoned Award:**

Prior to the new Act there was no necessity for making a Reasoned Award unless:

- (a) parties have agreed that no reasons are to be given or
- (b) the Award is arbitral Award on agreed terms.
- (c) The Arbitral Tribunal may make an interim order and determine the actions to be taken by any of the parties with regard to the dispute referred.

(vi) **Filing of Award:**

The Arbitration Tribunal shall, at the request of parties requiring the award to be filed, allow filing of Award on furnishing of copies of depositions/documents which have been taken & proved before it to be filed after payment of fee plus incidental expenses at actual in addition to the Court Fee.

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The Arbitration Tribunal shall also state the date and place of Arbitration.

(vii) **Stamp Duty:**

Stamp duties are to be paid by the parties in equal share in all cases in accordance with the Law.

(vii) **Copies of Proceedings:**

(i) No party is entitled as of right to copies of proceedings before the Arbitral Tribunal. However, the Registrar on getting a written request of parties can furnish the copies of depositions/documents which have been taken and approved before the Arbitrator on payment of charges so fixed.