



CENTRAL WAREHOUSING CORPORATION
(A GOVT. OF INDIA UNDERTAKING)

No. CWC/I-Arbitration Fee/201/Rectt/2015-16/650 A

April 12, 2016

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CIRCULAR

Sub: Revision of Sitting Fee & other charges payable to Arbitrator(s) and Honorarium to Presenting Officer – reg.

The BOD in its 320th meeting held on 29.3.2016 approved the revision of Arbitration Fee payable to the Arbitrators appointed by the Corporation as under: -

(i) Arbitration Fee -

Sum in Dispute (in rupees)	Arbitrator's fee
Upto Rs.5.00 lakh. (Rs.5,00,000)	Rs. 48,000/-
Above Rs.5.00 lakh and upto Rs.25.00 lakh. (Rs.5,00,001 to Rs.25,00,000)	Rs. 48,000/- plus Rs. 2,400/- per lac or part thereof subject to a ceiling of Rs. 96,000/-
Above Rs.25.00 lakh and upto Rs.1.00 crore. (Rs.25,00,001 to Rs.1,00,00,000)	Rs. 96,000/- plus Rs. 1,920/- per lac or part thereof subject to a ceiling of Rs. 2,40,000/-
Above Rs.1.00 crore and upto Rs.5.00 crore. (Rs.1,00,00,001 to Rs.5,00,00,000)	Rs. 2,40,000/- plus Rs. 36,000/- per crore or part thereof subject to a ceiling of Rs. 3,84,000/-
Above Rs.5.00 crore and upto Rs.10.00 crore. (Rs.5,00,00,001 to Rs.10,00,00,000)	Rs. 3,84,000/- plus Rs. 24,000/- per crore or part thereof subject to a ceiling of Rs. 5,04,000/-
Over Rs.10.00 crore	Rs. 5,04,000/- plus Rs. 19,200/- per crore or part thereof Maximum Fee / Ceiling : Rs. 25 Lakh.

(ii) Entitlement for Travelling Expenses

- By Air – Economy
By Rail - 1st Class AC
By Road - AC Car where the travel facility by air / rail is not available

(iii) Entitlement for Boarding / Lodging Expenses

Arbitrators who are retired Judges/ICA empanelled Arbitrators, retired officers of the level of JS or above, retired Directors of a PSU or officer of an equivalent level would be paid boarding/lodging at par with Functional Directors of Corporation with maximum limit of Rs.12,000/- per day for metropolitan cities; Rs.9,600/- per day for capital cities and Rs.8,000/- per day for other cities, subject to production of the bills. In case the actual expenses are less than the maximum limit, the actual amount would be paid. For other Arbitrators, the entitlement of Boarding / Lodging will be at par with the General Managers of the Corporation.

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13/4/16

Supd (MIS) / SKK / 13/4/16

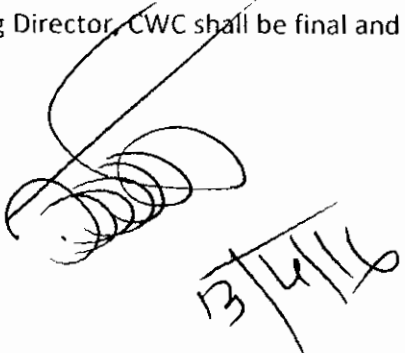
(iv) Reimbursement of Local Conveyance :

Reimbursement of actual expenditure of hired taxi (bill to be produced) would be made subject to a maximum limit of Rs.1,200/- per day in Metro Cities and Rs.800/- in other cities.

(v) Secretarial Charges : To be paid at Actual

(vi) Other relevant terms & conditions :

- (a) Claim and Counter claim for arbitration shall be taken into consideration separately for the purpose of calculation of arbitration fee. The amount of interest, wherever specified / determined, will be included in the claim / counter claim amount for the purpose of calculation of arbitration fee.
- (b) In case more than one (sole Arbitrator) is appointed as per the arbitration clause then each Arbitrator will be entitled to the above fee separately. The Arbitrator appointed / nominated by CWC will be paid by CWC and the one appointed / nominated by party (opposite party) will be paid by opposite party. Third (Arbitrator) umpire to be appointed / nominated by the two Arbitrators will be paid 50% of his fee by each of the party.
- (c) The effective date for applicability of Arbitration Fee rates and other benefits would be from the prospective date.
- (d) An Arbitrator who makes his own arrangement for boarding and lodging shall be paid out of pocket expenses at the rate of Rs.6,000/- per day without production of vouchers.
- (e) The Arbitrator(s) are expected to take up the arbitration expeditiously and all the efforts shall be made to settle the arbitration case within the stipulated time subject to maximum period of six months.
- (f) While giving the award, the reasons may be recorded for allowing or disallowing the claims.
- (g) The fee shall be shared equally by CWC and the other party to the dispute
- (h) Each party shall pay its share of Arbitrator's fee in stages as under:-
 - 20% of the fee on filing of reply to the statement of claim.
 - 40% of the fee on completion of pleadings.
 - 20% of the fee on conclusion of the final hearing.
 - 20% of the fee when award is given to the parties.
- (i) In case of any dispute about the terms and conditions for appointment of Arbitrator(s), the decision of Managing Director, CWC shall be final and binding on all concerned.



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Honorarium to Presenting Officer:

The BoD in its meeting held on 29.3.2016 also approved the honorarium to the Presenting Officer, who represents the case of the Corporation before the Arbitrator:-

	<u>Corporation claim upto Rs. Five Crore</u>	<u>Corporation claim more than Rs. Five Crore</u>
P.O. (Serving / Part time)	Rs.5,000/- per case	Rs.10,000/- per case

Hotel Charges / Conveyance, TA/DA etc. as per entitlement.

The above rates of Arbitration fee to Arbitrators and Honorarium to the Presenting Officer would be payable in all the arbitration cases where the Arbitrators are appointed after the approval of this Agenda by the BoD i.e. **w.e.f. 29.3.2016**.


 (A.K. Sharma)
 General Manager (Pers.)
 13/4/16

Authority:-
Agenda item No.230.5
BOD meeting held on 29.3.2016

Distribution:

1. All HODs, CWC, CO, New Delhi.
2. All RMs/CC Heads, CWC, RO/CCs.
3. SPA to Chairman/PPS to MD/AM to Director(Fin.)/Manager to Dir.(Pers.)/PPS to Dir.(MCP)/PS to CVO, CWC, CO, New Delhi.
4. GM(System), MIS Division, CWC, CO, New Delhi – With the request to upload on CWC website.