

ARBITRATION AND CONCILIATION ACT, 1996

PART I CHAPTER I General Provisions

2. Definitions

- (1) In this Part unless the context otherwise requires -
- (a) "arbitration" means any arbitration whether or not administered by permanent arbitral institution;
 - (b) "arbitration agreement" means an agreement referred to in section 7;
 - (c) "arbitral award" includes an interim award;
 - (d) "arbitral tribunal" means a sole arbitrator or a panel of arbitrators;
 - (e) "court" means the principal civil court of original jurisdiction in a district and includes the High Court in exercise of its ordinary original civil jurisdiction having jurisdiction to decide the questions forming the subject-matter of the arbitration if the same had been the subject-matter of a suit but does not include any civil court of a grade inferior to such principal civil court or any court of small causes;
 - (f) "international commercial arbitration" means an arbitration relating to disputes arising out of legal relationship whether contractual or not considered as commercial under the law in force in India and where at least one of the parties is -
 - (i) an individual who is a national of or habitually resident in any country other than India; or
 - (ii) a body corporate which is incorporated in any country other than India; or
 - (iii) a company or an association or a body of individuals whose central management and control is exercised in any country other than India; or
 - (iv) the government of a foreign country;
 - (g) "legal representative" means a person who in law represents the estate of a deceased person and includes any person who intermeddles with the estate of the deceased and where a party acts in a representative character the person on whom the estate devolves on the death of the party so acting;
 - (h) "party" means a party to an arbitration agreement.

Scope

- (2) This Part shall apply where the place of arbitration is in India.
- (3) This Part shall not affect any other law for the time being in force by virtue of which certain disputes may not be submitted to arbitration.
- (4) This Part except sub-section (1) of section 40 sections 41 and 43 shall apply to every arbitration under any other enactment for the time being in force as if the arbitration were pursuant to an arbitration agreement and as if that other enactment were an arbitration agreement except in so far as the provisions of this Part are inconsistent with that other enactment or with any rules made thereunder.
- (5) Subject to the provisions of sub-section (4) and save in so far as is otherwise provided by any law for the time being in force or in any agreement in force between Indian and any other country or countries this Part shall apply to all arbitrations and to all proceedings relating thereto.
- (6) Where this Part except section 28 leaves the parties free to determine a certain issue that freedom shall include the right of the parties to authorise any person including an institution to determine that issue.
- (7) An arbitral award made under this Part shall be considered as a domestic award.
- (8) Where this Part -

- (a) refers to the fact that the parties have agreed or that they may agree or
 - (b) in any other way refers to an agreement of the parties that agreement shall include any arbitration rules referred to in that agreement.
- (9) Where this Part other than clause (a) of section 25 or clause (a) of sub-section (2) of section 32 refers to a claim it shall also apply to a counter-claim and where it refers to a defence it shall also apply to a defence to that counter-claim.

3. Receipt of written communications

- (1) Unless otherwise agreed by the parties -
- (a) any written communication is deemed to have been received if it is delivered to the addressee personally or at his place of business habitual a residence or mailing address and
 - (b) if none of the places referred to in clause (a) can be found after making a reasonable inquiry a written communication is deemed to have been received if it is sent to the addressee's last known place of business habitual residence or mailing address by registered letter or by any other means which provides a record of the attempt to deliver it.
- (2) The communication is deemed to have been received on the day it is so delivered.
- (3) This section does not apply to written communication in respect of proceedings of any judicial authority.

4. Waiver of right to object

A party who knows that -

- (a) any provision of this Part from which the parties may derogate or
- (b) any requirement under the arbitration agreement

has not been complied with and yet proceeds with the arbitration without stating his objection to such non-compliance without undue delay or if a time limit is provided for stating that objection within that period of time shall be deemed to have waived his right to so object.

5. Extent of judicial intervention

Notwithstanding anything contained in any other law for the time being in force in matters governed by this part no judicial authority shall intervene except where so provided in this Part.

6. Administrative assistance

In order to facilitate the conduct of the arbitral proceedings the parties or the arbitral tribunal with the consent of the parties may arrange for administrative assistance by a suitable institution or person.