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मध्यप्रदेश राजपत्र

प्राधिकार से प्रकाशित

क्रमांक 8]

भोपाल, शुक्रवार, दिनांक 21 फरवरी 2020—फाल्गुन 2, शक 1941

भाग ४

विषय—सूची

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|-----|------------------------|------------------------------|-----------------------------------|
| (क) | (1) मध्यप्रदेश विधेयक, | (2) प्रवर समिति के प्रतिवेदन | (3) संसद् में पुरःस्थापित विधेयक. |
| (ख) | (1) अध्यादेश | (2) मध्यप्रदेश अधिनियम, | (3) संसद् के अधिनियम. |
| (ग) | (1) प्रारूप नियम, | (2) अन्तिम नियम. | |

भाग ४ (क)—कुछ नहीं

भाग ४ (ख)—कुछ नहीं

भाग ४ (ग)

अंतिम नियम

उच्च न्यायालय, मध्यप्रदेश जबलपुर

जबलपुर, दिनांक 05 फरवरी 2020

No. D-1221.— Amendments in "The Madhya Pradesh Arbitration Rules, 1997" in the Madhya Pradesh Gazette.

In exercise of the powers conferred by section 82 of the Arbitration & conciliation Act, 1996 (26 of 1996), the High Court of Madhya Pradesh, hereby, makes the following amendments in The Madhya Pradesh Arbitration Rules, 1997, namely :-

AMENDMENT

1. For rule 3, the following rule shall be substituted, namely :-

"3. (1) Definitions :

- (a) In these Rules, "ACT" means the Arbitration and Conciliation Act, 1996.
 - (b) "Appeal" means an Appeal filed in the 'Court' under the Act;
 - (c) "Application" means an Application filed in the 'Court' under the Act;
 - (d) "Arbitral Award" includes an interim, a partial and a preliminary or final award;
 - (e) "Arbitrator" means person appointed as an Arbitrator in terms of the Act;
 - (f) "Chief Justice" means the Chief Justice of the High Court of Madhya Pradesh;
 - (g) "Code" means "The Code of Civil Procedure Code, 1908"; and
 - (h) "Rules" means "The Madhya Pradesh Arbitration Rules, 1997"
- (2) The words and phrases not defined, in these Rules, shall bear the same meaning as defined under the Act."

2. For rule 4, the following rule shall be substituted, namely :-

"4. Application/Appeal :

- (1) Save as otherwise provided in these Rules, all Applications/ Appeals, Affidavits and Proceedings, under the Act shall be as per the prescribed Formats annexed herewith as Format no. 1, 2, 3 &4.
- (2) Every application under Section 9, Section 14, Section 27, Section 34, Section 39 and Section 43 of the Act shall be made in writing and shall be supported by an affidavit, It shall be divided into paragraphs, numbered consecutively, and shall contain the name, description and place of residence of the parties. It shall contain a statement in consistence from -
 - (a) of the material facts constituting cause of action;
 - (b) of facts showing that the Court to which the application appeal is presented has jurisdiction;
 - (c) relief prayed for;
 - (d) names and addresses of the persons liable to be affected by the application; and
 - (e) original Arbitration Agreement or the Award.

- (3) An application for enforcement of and arbitral award under Section 36 of a foreign award under Section 47 or Section 56 shall be in writing signed and verified by the Applicant or by some other person proved to the satisfaction of the Court to be acquainted with the facts of the case, and shall contain in a tabular form the particulars prescribed in Sub-rule (2) of Rule 11 of Order XXI of the Code.
- (4) Every application for execution of Award under Chapter I - "*New York Convention Awards*" or Chapter II - "*Geneva Convention Awards*" of PART-II- "*Enforcement of certain Foreign Awards*" of the Act shall be in the terms as prescribed under Sections 47 and 56 of the Act, as the case may be.
- (5) Every application for enforcement of a foreign award shall be accompanied by and affidavit or affidavits showing that :-
 - (a) the award has been made in pursuance of a submission to arbitration which is valid under the law applicable thereto;
 - (b) the subject matter of award is capable of settlement by Arbitration under the law of India.
 - (c) the award has been made by the arbitral tribunal provided for in the submission to and arbitration or constituted in the manner agreed upon by the parties and in conformity with the law governing the arbitration procedure;
 - (d) the award has become final in the country in which it has been made, in the sense that it will not be considered as such if it is open to opposition or appeal or if it is proved that any proceedings for the purpose of contesting the validity of the award are pending;
 - (e) the enforcement of the award is not contrary to the public policy or the law of India."

3. After rule 4, the following rule shall be added, namely :-

"4A. Mode of application/appeal :

Save as otherwise provided in these Rules, all Applications/Appeals shall be placed on board for admission after prior notice to all parties concerned.

- (1) Procedure after filing of Application/Appeal and requisitioning of Lower Court Records:
 - (a) In cases, arising out of matters pending before the lower Court, Tribunal or Authority, the record shall not be requisitioned unless ordered by the Court.
 - (b) Where such record has been requisitioned, it shall be retained in the High Court/ District Court (as the case may be) only as long as absolutely necessary ; otherwise it shall be returned and called back as convenience permits.

- (2) In cases, arising out of judgments or orders finally adjudicating the case, the record of lower Court or Tribunal shall be requisitioned after admission of the case, notwithstanding the fact that no order requisitioning the record has been made by the Court or the Registrar.
- (3) The Applicant/Appellant may file pleadings and/or evidence along with the memorandum of appeal or application which he considers necessary to enable the Court to appreciate the scope of dispute for the purpose of admission, interlocutory orders or disposal.
- (4) Notice shall be served on all opposite parties and on such other persons as the Court may direct:

Provided that at the hearing of any such Application/Appeal, any person who desires to be heard in opposition to it and appears to the Court to be proper, may be heard, notwithstanding that he has not been served with the notice; but may be liable to costs in the discretion of the Court.

Provided further that where at the hearing of the Application/Appeal, the Court is of opinion that any person who ought to have been served with notice of the Application/Appeal, has not been so served, the Court may order such notice to be served and adjourn the hearing upon such terms, if any, as the Court may think fit.

- (5) (a) All questions of fact arising for determination under this part shall be decided ordinarily upon affidavit, but the Court may direct that such other evidence be taken as it may deem fit.
- (b) Where the Court orders that certain matters in controversy between the parties shall be decided on oral evidence, it may either itself record the evidence or may direct any Court or Tribunal or a Commissioner appointed for the purpose to record it in accordance with the procedure prescribed by law.
- (6) The Court may in such proceedings impose such terms as to costs as it thinks fit.
- (7) The Court may in its discretion, either before the opposite party is called upon to appear and answer or afterwards on the application of the opposite party, demand from the Applicant security for the costs of the application/appeal."

4. In Schedule A;

- (i) at serial no. 1, in column No.3, the figure "300" shall be substituted by the figure"500"
- (ii) serial no.2 and the entries relating thereto, shall be deleted.
- (iii) at serial no.3, in column No.3, the figure "500" shall be substituted by the figure"1000"
- (iv) at serial no.4, in column No.3, the figure "200" shall be substituted by the figure"350"

- (v) at serial no.5, in column No.3, the figure "1000" shall be substituted by the figure"2000"
- (vi) at serial no.6, in column No.3, the figure "50" shall be substituted by the figure"100"

5. In Schedule B, in column No.3;

- (i) at serial no.1, the figure "300" shall be substituted by the figure"500"
- (iii) at serial no.2, the figure "300" shall be substituted by the figure"500"
- (iv) at serial no.3, the figure "500" shall be substituted by the figure"1000"
- (v) at serial no.4, the figure "300" shall be substituted by the figure"500"
- (vi) at serial no.5, the figure "500" shall be substituted by the figure"1000"

- 6. In rule 6, after the word "application", the symbol and word"/ appeal" shall be inserted.
- 7. In rule 8, after the word "application", the symbol and word"/ appeal" shall be inserted and at the end of para, after the word "applicant" the symbol and word "/Appellant" shall be inserted.
- 8. In rule 9, in sub-clause (2), after the word "application", the symbol and word"/appeal" shall be inserted.
- 9. After rule 10, the following Formats shall be added. namely;

Format No.1
[Rule 4(1)]

**IN THE HIGH COURT OF MADHYA PRADESH PRINCIPAL SEAT
AT JABALPUR/BENCH AT INDORE/BENCH AT GWALIOR**

Arbitration Case No. /20.....

Cause Title

Applicant(s) : The name [Company/Institution/Firm/Person(s)]
....., age....., father/husband's
name..... occupation.....,
complete address.....,
fax number with S.T.D. Code....., and E-mail
address....., if any; of each
Applicant

Vs.

Non-Applicant(s) : The name [Company/Institution/Firm/Person(s)]
....., age....., father/husband's
name..... occupation.....,
complete address.....,
fax number with S.T.D. Code....., and E-mail
address....., if any; of each
Non Applicant

(An application under Section 11 of the Arbitration and Conciliation Act, 1996)

The Applicant(s) beg to submit for appointment of Arbitrator(s) on the following facts and grounds:-

1. There is an Arbitration Agreement dated-----between Applicant & Non-Applicant.
2. Whether original/certified copy of the agreement is filed - if not, reason therefor :
3. The date-----on which a request for referring the dispute to the Arbitration has been made by the Applicant to the Non-Applicant.
4. The description with date of reply of Non-Applicant, if any :
5. Details of remedies exhausted :

- (a)
- (b)
- (c)

The Applicant declares that he has taken all necessary steps for appointment of an Arbitrator(s).

6. **Delay, if any, in filing the application and explanation therefor:**
[State exact period within which the application is filed after expiry of statutory period for appointment of Arbitrator(s), if any]
7. **Facts of the case:**
(Give a concise statement of facts in chronological order in separate paragraphs)
8. **Grounds urged:**
[Separately state the grounds on which the relief (s) is/are claimed]
9. **Specify whether any application was previously instituted before any Court, the status or result thereof along with copy of the order, if any.**

OR

A declaration that no proceeding on the same subject matter has been previously instituted before any Court.

10. **Relief Prayed for :**
(Specify below the relief prayed for)

Place :

Date :

Name :
Signature
of Advocate for Applicant(s)

Format No.2
[Rule 4(1)]

IN THE DISTRICT COURT-----, MADHYA PRADESH

Miscellaneous Case No./20.....

Cause Title

Applicant(s)

:

The name [Company/Institution/Firm/Person(s)]
.....,age.....,father/husband's
name.....occupation.....,
complete address.....,
fax number with S.T.D. Code.....,and E-mail
address....., if any; of each
Applicant

Vs.

Non-Applicant(s)

:

The name [Company/Institution/Firm/Person(s)]
.....,age.....,father/husband's
name.....occupation.....,
complete address.....,
fax number with S.T.D. Code.....,and E-mail
address....., if any; of each
Non-Applicant

[An application under Section 9/14/27/34/39/43 (as the case may be) of the Arbitration and Conciliation Act, 1996]

The Applicant(s) beg to submit for ----- on the following facts and grounds:-

1. There is an Arbitration Agreement dated-----between Applicant & Non-Applicant.
2. Whether original/certified copy of the agreement is filed - if not, reason therefor;
3. The date-----on which a request for referring the dispute to the Arbitration has been made by the Applicant to the Non-Applicant.
4. The description with date of reply of Non-Applicant, if any;
5. Details of remedies exhausted :

(a)

(b)

(c)

The Applicant declares that he has taken all necessary steps for appointment of an Arbitrator(s).

6. **Delay, if any, in filing the application and explanation therefor:**
(State exact period within which the application is filed after expiry of statutory period for appointment of Arbitrator(s), if any)
7. **Facts of the case:**
(Give a concise statement of facts in chronological order in separate paragraphs)
8. **Grounds urged:**
(Separately state the grounds on which the relief(s) is/are claimed)
9. **Specify whether any application was previously instituted before any Court, the status or result thereof along with copy of the order, if any.**

OR

A declaration that no proceeding on the same subject matter has been previously instituted before any Court.

10. **Relief Prayed for :**
(Specify below the relief prayed for)

Place :

Date :

Name :

Signature

of Advocate for Applicant(s)

Format No.3
[Rule 4(1)]

**IN THE HIGH COURT OF MADHYA PRADESH PRINCIPAL SEAT
AT JABALPUR/BENCH AT INDORE/BENCH AT GWALIOR**

Arbitration Appeal No. /20.....

Cause Title

Appellant(s) : The name [Company/Institution/Firm/Person(s)]
....., age....., father/husband's
name..... occupation.....
complete address.....
fax number with S.T.D. Code....., and E-mail
address....., if any; of each
Appellant

Vs.

Non-Appellant(s) : The name [Company/Institution/Firm/Person(s)]
....., age....., father/husband's
name..... occupation.....
complete address.....
fax number with S.T.D. Code....., and E-mail
address....., if any; of each
Non-Appellant

(An appeal under Section 37 of the Arbitration and Conciliation Act, 1996)

Claim in appeal valued at Rs.....

Court Fees paid Rs.....

Claim before the Tribunal.....

Amount awarded.....

Being aggrieved by the award as detailed in paragraph (I) below, the Appellant prefers this appeal on the following facts and grounds :

(I) Particulars of the Award :

- (a) Case number :
- (b) Date of the Award :

- (c) Award passed by :
- (d) The name of the Member :
- (e) Designation and place of sitting of the Tribunal :

(II) Particulars of the Agreement :

1. Date :
2. Place :

(III) Particulars of the Facts (in chronological order) :

1.
2.

(IV) Details of Order passed by the Tribunal (in Short) :

.....

.....

(V) Other relevant Facts :

.....

.....

(VI) Grounds of appeal :

1.
2.

(VII) Relief Claimed in appeal :

.....

.....

(VIII) Caveat :

That, no notice of lodging a caveat by the opposite party is received.

OR

Notice of caveat is received and the Appellant has furnished the copies of the memo of appeal together with copies of the annexure (if any) to the Caveator.

Date :

Place :

(Signature)
Advocate for Appellant (s)

Note : To be filed in duplicate.

No. D-1223.- Amendment in the "Commissioner of oaths (For the High Court) Rules, 2008" in the Madhya Pradesh Gazette;

In exercise of powers conferred by Section 3(2)(a) of the Oaths Act, 1969, and Article 225 of the Constitution of India, the High Court of Madhya Pradesh, hereby, makes the following amendment in the Commissioner of Oaths (for the High Court) Rules, 2008, namely :-

1. Proviso to Rule 16 (1) shall be deleted.

RAJENDRA KUMAR VANI, Registrar General.

ऊर्जा विभाग

मंत्रालय, वल्लभ भवन भोपाल

भोपाल, दिनांक 17 फरवरी 2020

क्र.-1480-एफ-3-23-2019-तेरह.- मध्यप्रदेश राजपत्र (असाधारण) में दिनांक 24 जनवरी, 2020 में प्रकाशित मध्यप्रदेश विद्युत प्रदाय उपक्रम (अर्जन) निरसन अधिनियम, 2019 (क्रमांक 8 सन् 2020) की अधिनियमिति द्वारा मध्यप्रदेश विद्युत प्रदाय उपक्रम (अर्जन) अधिनियम, 1974 (क्रमांक 38 सन् 1974) को संपूर्ण रूप से निरसित किए जाने के परिणामस्वरूप, मध्यप्रदेश विद्युत प्रदाय उपक्रम (अर्जन) अधिनियम, 1974 के अधीन बनाए गए निम्नलिखित नियमों को एतद्वारा संपूर्ण रूप से निरसित किया जाता है :-

1. मध्यप्रदेश विद्युत प्रदाय उपक्रम (अर्जन) संपत्ति तालिका नियम, 1974
2. मध्यप्रदेश विद्युत प्रदाय उपक्रम (अर्जन) दावे नियम, 1980
3. मध्यप्रदेश विद्युत प्रदाय उपक्रम (अर्जन) अपीलैट अथॉरिटी नियम, 1988

No.-1480-F-3-23-2019-XIII.- Consequent upon repealment, in its entirety, of Madhya Pradesh Vidyut Praday Upakram (Arjan) Adhinyam, 1974 (No. 38 of 1974) by enactment of Madhya Pradesh, Vidyut Praday Upakram (Arjan) Nirsan Adhinyam, 2019 (No. 8 of 2020), published in Madhya Pradesh Gazette (Extra Ordinary) on dated 24th January, 2020, the following rules made under Madhya Pradesh Vidyut Praday Upakram (Arjan) Adhinyam, 1974 are hereby repealed in their entirety :-

1. Madhya Pradesh Vidyut Praday Upakram (Arjan), Sampathi Talika Niyam, 1974
2. Madhya Pradesh Vidyut Praday Upakram (Arjan), Dawe Niyam, 1980.
3. Madhya Pradesh Vidyut Praday Upakram (Arjan), Appellate Authority Niyam, 1988

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
मोहम्मद सुलेमान, अपर मुख्य सचिव.