

**GOVERNMENT OF PUDUCHERRY  
LAW DEPARTMENT**

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No.1919/LD/Arb/2022

Puducherry, the 17-08-2022.

**NOTIFICATION**

Subject: Applications for empanelment of Arbitrators under the Arbitration and Conciliation Act, 1996 for settlement of disputes arising out of the Contracts of the Government of Puducherry – Called for -  
Reg.

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The Government of Puducherry invites applications for empanelment of Arbitrators to be constituted under the Arbitration and Conciliation Act, 1996, for settlement of disputes arising out of the Contracts of the Government of Puducherry. The panel of Arbitrators is to be empanelled from amongst persons fulfilling the following eligibility criteria:-

(A) **ELIGIBILITY CRITERIA:** A person, who,-

- (1) is a retired Judge of the High Court or a District Court; or
- (2) is a retired All India Service or State Civil Service or Central Service Officer; or
- (3) is a retired Chief Engineer or Superintending Engineer having served in the Government, an Autonomous Body, or a Public Sector Undertaking; or
- (4) is a person having at least ten years of experience in a scientific or technical stream in the fields of telecom, information technology, Intellectual Property Rights, or other specialised areas in the Government, Autonomous Body, or a Public Sector Undertaking, when the facts of the case merit such an appointment.

...2/-

*N.H.*

(B) Apart from the above technical/professional qualification, the Arbitrator shall satisfy the following **General norms**:-

- (1) The Arbitrator shall be a person of general reputation of fairness, integrity and capable of applying objectivity in arriving at settlement of disputes;
- (2) the Arbitrator must be impartial and neutral and avoid entering into any financial business or other relationship that is likely to affect impartiality or might reasonably create an apprehension of partiality or bias amongst the parties;
- (3) the Arbitrator should not involve in any legal proceeding and avoid any potential conflict connected with any dispute being arbitrated by him;
- (4) the Arbitrator should not have dealt with the matter being arbitrated upon by him and should not be a person associated therewith, in any capacity whatsoever, in the past and the Arbitrator shall be required to furnish an Affidavit to this effect.

*Explanation:* In so far as deciding whether there exists justifiable grounds as to the independence or impartiality of an Arbitrator, the 'Grounds of Challenge' as prescribed under section 12 of the Arbitration and Conciliation Act, 1996 shall be adhered to;

- (5) the Arbitrator should not have been convicted of an offence involving moral turpitude or economic offence;
- (6) the Arbitrator shall be generally conversant with the arbitration process and able to appreciate contractual obligations; and
- (7) the Arbitrator should be capable of writing a reasoned and enforceable arbitral award in a dispute which comes before him for adjudication.

**2. TENURE OF THE PANEL:** The tenure of the Members of the Panel of Arbitrators shall be for a period of three years or upto the age of 65 years, whichever is earlier and the members shall be eligible for reappointment for another term of 3 years subject to the above age limit, on the basis of the recommendations of the Selection Committee.

**3. LAST DATE FOR SUBMISSION OF APPLICATION:** The application for the above empanelment shall be submitted in duplicate in the prescribed format only, along with the copies of testimonials (self-attested) and sent to:-

THE SECRETARY TO GOVERNMENT (LAW),  
GOVERNMENT OF PUDUCHERRY,  
CHIEF SECRETARIAT, I FLOOR,  
GOUBERT AVENUE,  
PUDUCHERRY – 605 001.

The application should reach the addressee on or before 09.09.2022. Incomplete or defective application not accompanied with copies of all testimonials (self-attested) and the applications received after the due date will not be considered on any ground, including postal delay.

**4. CERTIFICATE OF PHYSICAL FITNESS:**

The persons selected for empanelment to the panel of Arbitrators, will be requested to produce a certificate of physical fitness from the competent authority.

**5. REMUNERATION AND ALLOWANCES:**

The fees and other expenses and allowances shall be paid in accordance with the Annexure\* appended to the terms and conditions of the contract signed between the parties to the dispute and the same shall be shared equally between the parties to the Arbitration proceedings.

\*Annexure is appended herewith for information.

....4/-



**6. DISQUALIFICATIONS FOR APPOINTMENT IN THE PANEL OF ARBITRATORS:**

A person shall be disqualified for appointment to the posts notified above, if he,-

- (1) has been convicted and sentenced to imprisonment for an offence which involves moral turpitude; or
- (2) has been adjudged insolvent;
- (3) is of unsound mind and stands so declared by a competent court; or
- (4) has been removed or dismissed from the service of the State Government or Central Government; or
- (5) has, in the opinion of the State Government, such financial or other interest as is likely to prejudicially affect his functions.

**7. PROCEDURE FOR SELECTION OF PANEL MEMBER OF ARBITRATORS:**

- (a) After scrutiny of the applications received, the applications will be short listed based on the credentials provided in the application and the short listed applicants will be called for interview, except in the case of retired High Court Judges, in respect of whom a panel will be called for from the Director (Mediation Centre) - cum - Ex - officio Member, Madras High Court Arbitration Centre, High Court, Madras. No travelling Allowance or any other expenses will be paid to the applicants.
- (b) Call letters will be sent to short listed applicants for the interview and the venue will be intimated in advance at the appropriate time. The Government reserves the right either to postpone or cancel this notification at any point of time without assigning any reason.



- (c) The Selection Committee comprising of the Chief Secretary to the Government of Puducherry as Chairperson and the Development Commissioner-cum-Principal Secretary(Finance) and the Secretary to Government(Law) as Members, shall, on the basis of the assessment made by it in the interview and after satisfying the eligibility criteria and after taking into account the suitability, record of past performance, integrity and adjudicatory experience, recommend a panel of names of candidates and antecedents of recommended candidates.
- (d) The applications will be summarily rejected without intimation, if the applicant fails to comply with any of the above instructions. For the format of applications and other details visit our website <http://law.py.gov.in/>

[BY ORDER OF THE SECRETARY TO GOVERNMENT (LAW)]

  
(N. MURUGAVEL)  
UNDER SECRETARY (LAW)

**FORMAT OF APPLICATION REQUIRED TO BE FURNISHED BY THE CANDIDATES:**

**APPLICATION FOR EMPANELMENT TO THE PANEL OF ARBITRATORS IN GOVERNMENT OF PUDUCHERRY**

1. Name and Address :  
(In Block Letters)
2. Father/Husband's Name :
3. Gender :
4. Date of Birth & Age(Attested copy of Birth Certificate to be attached) :
5. Permanent Address for Communication With Phone Number & E-mail I.D. :
6. Date of retirement under Central/State Government and Post from which retired :
7. Educational & Professional Qualifications(Graduation and onward- self attested copies to be attached) :

Exam	University	Year Passed	Division

8. Whether Educational and other qualifications required for the empanelment are satisfied.
9. Relevant experience/Details of Employment, in chronological order. Enclose a separate sheet duly authenticated by your signature, if the space below is insufficient :

*N.H.*

Office/Institution	Post held	From	To	Nature of duties (in detail)

10. Whether any civil/criminal or departmental or other Judicial proceedings are pending against the applicant or concluded and if so, the results thereof :

11. Additional information, if any, which you would like to mention in support of your suitability for the post :

12. State of health :

**DECLARATION**

I hereby declare that I have carefully gone through the Notification for empanelment of Arbitrators and I am well aware that the Curriculum Vitae duly supported by documents submitted by me will also be assessed by the Selection Committee at the time of selection for the post. I also hereby declare that the information/details furnished by me as above are correct and true to the best of my knowledge and no material facts having a bearing on my selection has been suppressed/withheld. In the event of any information being found false or incorrect or ineligibility being detected before, during or after the process of selection/appointment, I agree that my candidature shall stand cancelled and all my claims to the appointment shall stand forfeited.

Signature of the Candidate

Station  
Date: \_\_\_\_\_

Address: \_\_\_\_\_

Contact mobile No: \_\_\_\_\_

Mail id: \_\_\_\_\_



ANNEXURE

Sum in Dispute	Fee fixed for Arbitrator
Upto Rs. 5,00,000	Rs. 45,000
Above Rs. 5,00,000 and upto Rs. 20,00,000	Rs. 45,000 plus 3.5 percent. of the claim amount over and above Rs.5,00,000
Above Rs. 20,00,000 and upto Rs. 1,00,00,000	Rs. 97,500 plus 3 percent. of the claim amount over and above Rs. 20,00,000
Above Rs. 1,00,00,000 and upto Rs. 10,00,00,000	Rs. 3,37,500 plus 1 percent. of the claim amount over and above Rs. 1,00,00,000
Above Rs. 10,00,00,000 and upto Rs. 20,00,00,000	Rs. 12,37,500 plus 0.75 percent. of the claim amount over and above Rs. 10,00,00,000
Above Rs. 20,00,00,000	Rs.19,87,500 plus 0.5 percent. of the claim amount over and above Rs. 20,00,00,000 with a ceiling of Rs. 30,00,000

*N.S.*