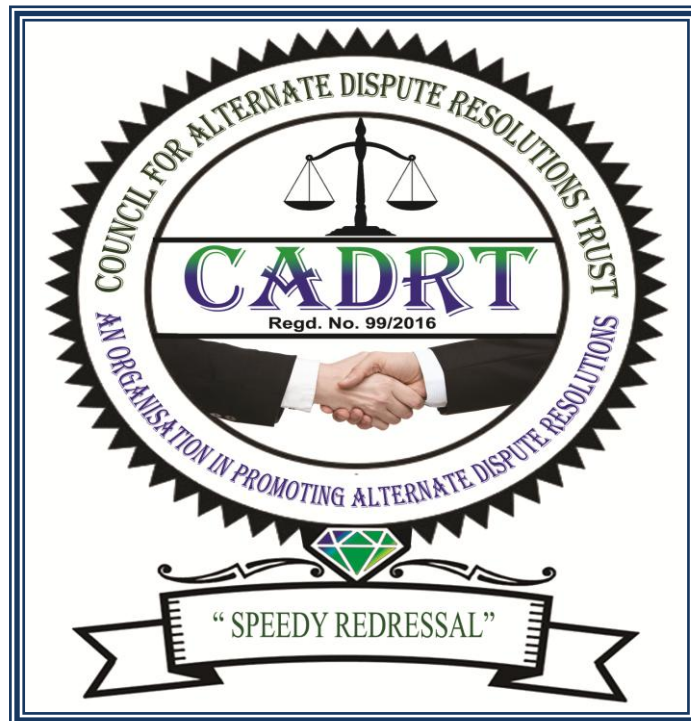


“CADRT”

“COUNCIL FOR ALTERNATE DISPUTE RESOLUTIONS TRUST”

BROCHURE



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PREAMBLE

On 14th-Sep-2016

“CADRT-COUNCIL FOR ALTERNATE DISPUTE RESOLUTIONS TRUST

“an autonomous organization is Primarily Constituted and registered with 23 Permanent Trustees involving senior advocates.

The aim of the organization is to promote Alternate Dispute Resolutions in reconstruction of society for early settlement of grievances by application of Law and principles of natural justice and to ease the burden of cases devolved on the judiciary and to bring prompt and economic justice in resolving the disputes hinging around defined legal relationships in development of institutional arbitrations to settle the disputes through arbitration, mediation and conciliation under "The Arbitration and Conciliation Act 1996", as amended from Time to Time including the other Statutory Acts to serve the needy and poor people involving all persons who are Professionals and Intellectuals belonging to all communities not only residing in India and also Foreign Nationals to build crime free and Peaceful Society.

CADRT TEAM/ BOARD MEMBERS

Settler/Executive Trustee Sri N.Narasimha Murthy		Chief Advisors : Sri RapoluAnandBhaskar(MP-RajyaSabha), Sri K.V.Ramana Chary I.A.S (Retd), Sri K.Narasimhamurthy(FCA) Sri Datla.HanumantaRaju (FCS)
<u>Chairman:</u> Sri A.Narasimha Reddy <u>Vice Chairmen:</u> 1. Sri N.RamchanderRao 2. Sri M.Rajender Reddy <u>Secretary:</u> Sri Deepak Bhattacharjee <u>Treasurer:</u> Dr.D.Venkat Reddy <u>Legal Advisors:</u> Sri K. Ramesh Babu, Sri W.B.Srinivas Sri Sarasani Satyam Reddy <u>Technical Advisors</u> Professor M.V.Ramana Murthy Sri R.Arjunarao	<u>Academic Advisor</u> Professor S.Jeelani <u>Media Advisor</u> Dr.C.V.Narasimha Reddy <u>Patron Committee</u> Sri N.Chandrashekhar Sri M.Komraiah Sri K.VeerabhadraRao Sri N.Phanikumar Sri K.Damodar Smt N. Lakshmisree Dr.Rajeshkumar Sri KVL Narasimha Murthy Sri DeekondaRavinder Sri P.Narasimha Reddy <u>Corporate Members</u> Tirumala Music Centre Shalivahana Group Tirumala Bank	<u>Permanent Trustees</u> Sri JupudiRangaRaju Sri M.V.RajaRaam Sri B.RanganathaRao Sri CvL.NarasimhaRao Sri R.V.MallikarjunaRao Sri A.PrabhakarRao Sri M.parpaSarathy Sri S.chalapathiRao Sri D.MadhusudhanRao Sri N.Prashanth Sri VinodkumarDeshpandae Sri PVSSS.RamaRao Sri K.SunilGoud Sri T.UmadharRao Sri D.venkat Ram Sri N.SrimanNaryana Murthy SmtN.Gnanamba SmtM.V.Madhurima

The aims and objectives of "CADRT"-COUNCIL FOR ALTERNATE DISPUTE RESOLUTIONS TRUST

- The Principle aim of the Trust is to promote Alternate Dispute Resolutions for early settlement of Grievances by Application of Law and principles of Natural justice.
- To bring out the Professional Awareness, Protect the Interest and maintain Unity of the Members.
- To conduct PrajaVedikas for Family Counseling /Mediation/ Conciliations and Arbitration proceedings of legal matters in promoting Alternate Dispute Resolutions and conduct Legal Aid Programmes for Construction of Valuable Society.
- To Create Social Awareness in General Public about Global Warming, Protection of Environment, inculcation of Discipline, Youth Achievement by Propagating Adult Education and in furtherance implementing GovtProgrammes for the Handicapped, Women and Child welfare including promoting literacy Activities in the Rural, Urban, Metro cities both in national and international level as per jurisdiction.etc.

- To Conduct Workshops, Seminars, Debates, allocations, Peace Processions and Intercultural events as per the required programme schedule to promote Intra State, Inter State including the National and International relations.
- To Start Educational Institutions/ University, etc., by conducting Academic courses in Law, Management ,Technical etc., with Research and Development in any Filed by extending quality Education to all including poor and downtrodden of the Society. Irrespective of caste, Creed, Race and Religion.
- To Publish Books, Periodicals, Journals, etc., for the cause of Society.
- To Honour the Professionals, Gurus, Scholars and all Eminent People who are worth to the Society.
- To Organize Water camps, Medical camps set up Hospitals, to start Eye Bank, Blood Bank and to Associate with other Associations /Societies /Trusts such as Lions Clubs International, Lions Bhavan Trust, Heart and Care Foundation, Old Age Home Trusts, BSS Trust, LokADALAT,etc., and any other Society of National or international including the law societies /Trusts/Organisations having similar objects and aims in rendering Social Service in the construction of valuable society .
- To provide Scholarships for the Economically Poor and Meritorious students.
- To conduct awareness programmes building fraternity and unity in diversity to bring peace and harmony in developing Human relations in building the National Integrity.
- To Establish the units Where ever necessary in India or Foreign Countries.
- To do all possible things that are necessary as Expedient to the accomplishment of the aforesaid and any other Aims and Objectives for the future development as decided from time to time by the Settler / Board of Trustees.

WHAT IS ADR?

ADR in simple terms is Alternate Dispute Resolution and the conventional Courts use formal system of redressal applying various rules of law. A dispute is basically 'lis inter parties' in which two parties contest their case and one party wins and the other party loses. The justice dispensation system has found an alternative to Adversarial litigation in the form of ADR Mechanism where no party loses in case of alternate dispute resolution which can be categorized in four broad heads which are 1.Arbitration 2.Mediation 3.conciliation 4.Judicial settlement: Includes settlement through LokAdalat, as such "The Legal Services Authorities Act, 1987" has also been amended from time to time to endorse use of ADR methods. Section 89 of the Code of Civil Procedure as amended in 2002 has introduced conciliation, mediation and pre-trial settlement methodologies for effective resolution of disputes. Mediation, Conciliation, Negotiation, Mini-Trial, Consumer Forums, LokAdalats and Banking Ombudsman have already been accepted and recognized

as effective Alternative dispute resolution methodologies. Alternative dispute resolution has greatly expanded over the last several years to include many areas in addition to the traditional commercial dispute in the form of arbitration, mediation and conciliation which has become an important first step in the dispute resolution process. Arbitrators and mediators have an important role in resolving disputes. Mediators/Conciliators act as neutrals to reconcile the parties differences before proceeding to arbitration or litigation. Arbitrators act as neutral third parties to hear the evidence and decide the case. Arbitration can be binding or non-binding as the Arbitration Act of 1940 proved ineffective for early settlement of disputes by arbitration, the first major step taken in this direction was the introduction in Parliament of the Arbitration and Conciliation Bill, 1995. The provisions of the Bill were promulgated as Ordinances on 16th January 1996 and again on 26th March 1996. The Bill was finally enacted as the Arbitration and Conciliation Act, 1996 and was brought into force with effect from August 22, 1996. This Act is based on the UNCITRAL Model Law on International Commercial Arbitration and the UNCITRAL Conciliation Rules, which provides the basis for the growth of the ALTERNATIVE DISPUTE RESOLUTION (ADR) movement in India on scientific lines. Being based on the UNCITRAL model, this legislation is hoped that it will help to build the confidence among foreign parties intending to enter into long-term commercial relations with their Indian counterparts.

ADR mechanism is a win – win process where no party wins or no party loses. The system of village panchayats is a ADR process of redressing the disputes where both the parties come face to face and they work out the moralities and reach to an amicable solution. The Law Commission of India in its 129th Report recommended for the Alternate modes of Dispute Redressal and the CPC envisages the mechanism of ADR in section 89 as amended section which is mandatory for court to refer the dispute after the issues are framed for settlement of disputes outside the Court (under Clause 7 of the CPC Amendment (Bill), 1999). The ADR mechanism reduces the burden of appellate courts as well and also it saves the valuable time and energy of the courts which can be utilized erstwhile in other matters pending before court and it renders justice on time (Justice delayed is justice denied, but ADR saves time and timely judgment is possible). The ADR practitioner therefore acts like a healer of conflicts rather than a combatant. The resolution of disputes is so effective and widely accepted that Courts (In *sitanna v. Viranna*; AIR 1934 SC 105, the Privy Council affirmed the decision of the Panchayati and Sir John Wallis observed that the reference to a village panchayat is the time-honored method of deciding disputes) have more often recognized them. ADR features include severability, flexibility, party-participation, consensus, self-reflection, preservation of ongoing relationships or peaceful termination of relationships involving the principles of natural justice. ADR fosters peaceable and healthier inter-personal interactions in the long term, thereby pre-empting the

causes of conflict in the society. ADR avoids protracted litigation and is based on the grounds of realities verified in person by the adjudicators and the award is fair and honest for the settlement of doubtful claims based on legal and moral grounds. The benefits of such processes in ADR are further fortified from the fact that eminent legal personalities, such as Mahatma Gandhi, Abraham Lincoln and Nani Palkhiwala have taken pleasure and pride in continually settling cases out of court, in uniting the parties driven as under by conflict and discouraging litigation. In the words of Guatam Budhha, "Better than a thousand hollow words is one word that gives peace", which even is reflected in the famous Sanskrit quote "santosham paramam sukham". Mediation is one of the modes for attainment of 'Peace'. An evaluation of the usefulness of anything presupposes an awareness of what it is and the particular value that it has to offer and the Speedy Redressel of disputes in an amicable way is the hall-mark of civilization in the Modern world.

CADRT DISPUTE RESOLUTION SYSTEM :

A) DISPUTES SHALL BE RESOLVED BY "CADRT" WITH FOLLOWING METHODS:

NEGOTIATION: A non-binding procedure in which discussions between the parties are initiated without the intervention of any third party with the object of arriving at a negotiated settlement to the dispute by principles of natural justice.
MEDIATION / CONCILIATION: A non-binding procedure in which an impartial third party neutrals i.e., the conciliator/mediator, assists the parties to resolve disputes in reaching a mutually satisfactory agreed settlement of the dispute.
CON/MED/ARB: A procedure which combines, sequential, conciliation and Mediation , where the dispute is not settled through conciliation/mediation within a period of time agreed in advance by the parties, the dispute by arbitration procedure places a vital role in "CADRT" ADR system
MINI-TRIAL: It is a non-binding procedure in which the disputant parties are presented with summaries of their cases to enable them to assess the strength, weaknesses and prospects of the case and then an opportunity to negotiate a settlement with the assistance of a neutral adviser through principles of natural justice the dispute is resolved .
ARBITRATION: A procedure in which the dispute is submitted to an arbitral tribunal which makes a decision (an "award") on the dispute that is binding on the parties.
FAST-TRACK ARBITRATION: A form of arbitration in which the arbitration award is rendered in a particularly short time and at reduced cost.

B) CADRT RULES :

IN RESOLVING THE DISPUTES CADRT FOLLOWS THE RULES BY

- The CADRT Arbitration Rules, 1996 (including provision for Fast Track Arbitration)
- The CADRT Mediation and Cancellation Rules, 1996
- Rules and Procedure for Mini - trial under CADRT

WHY REFER DISPUTE TO “CADRT”:

PARTIES APPROACH TO “CADRT” BENEFITS CLIENTS BY SPEEDY REDRESSEL WITH :

<p>CONFIDENTIALITY: Arbitration/Mediation/conciliation is a private process and all the records of filing be kept Confidential by the Trust and it s a Arbitral Tribunal.</p>
<p>LIMITED DISCOVERY: Arbitrators/Mediators arrange for limited time of exchange of documents, witnesses and depositions appropriate to the particular dispute.</p>
<p>SPEEDY REDRESSEL: Hearings are scheduled as per the parties and the Arbitrators/ Mediators have dates For early settlement with less Adjournment.</p>
<p>EXPERT NEUTRALS: For the subject matter in dispute, as well as training in the arbitration process and an Observer of the Trust shall always ensure that prompt Justice is delivered to the beneficiaries by the expert arbitrators/ Mediators.</p>
<p>COST SAVINGS : The parties save legal fees and transactional costs as for the limited discovery and comfortable hearing procedures and expedite process .</p>
<p>PRESERVATION OF BUSINESS/PERSONAL RELATIONSHIPS: “COUNCIL FOR ALTERNATIVE DISPUTE RESOLUTIONS TRUST-CADRT” is the barrier to redressal the litigation by Arbitration/Mediation and Conciliation and develop the working relationship of clients by its Comfortable nature through professionals so that the parties/clients will be able to continue their business /Personal relationships.</p>
<p>BENEFICIARIES: Person, Firm, Company, Association, Trust, Society or Other Entity making any representation, correspondence and application etc., In deserving cases shall be admitted as beneficiary of the Trust. When the name of the Party is entered “Central Register” without distinction on the ground of sex, religion, faith, nationality, colour or place of birth etc., it becomes the Beneficiary of the Trust till the dispute of the Party is resolved by Settlement or Award by a Arbitral Tribunal appointed by the “CADRT”.</p>

WHICH CASES CAN BE FILED :

All cases of civil nature and criminal compoundable nature Including Company, contractual etc., can be filed. The cases may be fresh or pending before any court or the parties may or may not

have any Arbitration Agreement can be filed. Submission of cases to the Trust is governed by Section 2(4) of The Arbitration and Conciliation Act, 1996 and Section 43(C) of The Indian Trusts Act, 1882, which are as below:

Section 2(4): This Part except sub-section (1) of section 40, section 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 there under.

Section 43(C):- Any Trustee or Trustees as they may think fit may Compromise, compound, abandon, submit to arbitration or otherwise settle any debt, account, claim or thing whatever relating to the trust through mediation or conciliation .

“CADRT ”ADR Procedures :

The Redressal of disputes in an amicable way is the hall-mark of civilization in the Modern world, Parties can file the Disputes to “CADRT” with Arbitration / Mediation / Conciliation Agreement for Speedy redressal with following method:

A) HOW TO FILE THE DISPUTE : *Any party to the dispute may approach the “CADRT” for resolving the dispute initiating the arbitration/Mediation/Conciliation by*

- An Application to “CADRT” and the copy of notice / Written Invitation given to the respondent should be filed before “CADRT” and the details of that party will be entered on its "Central Register".The CADRT implements its procedure by proper steps giving the notice to other party as the case applicable for Arbitration/Mediation/Conciliation. The Applicant becomes Beneficiary of the Trust and Legal relationship is established as per Sec 7(1) of the Arbitration and Conciliation Act, 1996 to resolve the dispute through arbitration by a “Arbitral Tribunal” appointed by the “CADRT” in accordance with the “Code of Arbitral Practice and Procedures” according to Section 2(4) of the Arbitration and Conciliation Act, 1996 upon reference by the Trust for the provisions of Section 43(C) of the Indian Trust Act, 1882 shall itself operate as the Arbitration Agreement .
- All components of "Arbitral Agreement" including the Composition of “Arbitral Tribunal” pursuant to Section 10 to 15 of "The Arbitration and Conciliation Act, 1996" shall be in accordance with the “Code of Arbitral Practice and Procedures” and the same is deemed as included in “Arbitration Agreement” by the Beneficiaries as envisaged Under Section 7 of The Arbitration and Conciliation Act, 1996.

- The Arbitration/ Mediation/ Conciliation by proper Agreement"existing in any particular case with CADRT Rules of Arbitration/ Mediation/ Conciliation 1996 will follow the provisions with The Arbitration and Conciliation Act, 1996 with out prejudice to the Parties .

B). "CADRT" PROCEEDINGS :

- The arbitration/mediation/conciliation proceedings commence on the date on which the application filed before "CADRT"and notice/Written Invitation for arbitration / mediation / Conciliation is received by the respondent.
- A notice of request/ Application before "CADRT" for arbitration/mediation /conciliation shall include the following:-
 - (a) A request/application that the dispute be referred to arbitration/ mediation/conciliation.
 - (b) The names and address of the parties to the dispute.
 - (c) A reference to the dispute out of or in relation to which the dispute has arisen.
 - (d) A reference to the arbitration / mediation/ conciliation basing on arbitration / mediation / conciliation rules or agreement relied upon.
 - (e) The general nature of the claim and where the claim is or can be quantified in terms of money
 - (f) The relief or remedy sought.
 - (g) The preferred number of arbitrators/mediators /conciliators, if not already agreed upon.
 - (h) Whether any case Pending in Court, Orders Passed or not
 - (i) Any other vital information.
 - (j) Signatureof Party to the Dispute and acceptance of Authorized Signatory of "CADRT".

TERRITORIAL JURISDICTION:

It is all over India and the Arbitration/Mediation shall be conducted at a place selected by the "CADRT" keeping in view the conveniences of the parties to the dispute.

When and who shall make an Award

Arbitral Institution has been authorized to determine any issue which the parties have the freedom to decide themselves. Arbitral Tribunal has been vested with the competence to rule on its own jurisdiction including ruling on any objection with respect to the existence and validity of the Arbitration Agreement.

Arbitration Tribunal has been authorized to grant interim measures like injunction, attachment, receiver, security etc. Arbitral Award includes Interim Award and is executable as Court Decree. Arbitration proceedings have been accorded precedence over Legal Proceedings and stay of Arbitral Proceedings has gone beyond the scope of law. All persons guilty of contempt of tribunal are liable to disadvantages, penalties and punishments, as they would incur for like offences in suits before the court. An Award is ordinarily not liable to be set-aside on the ground either in fact or in law that it is

erroneous. The power of judicial authority to intervene saves and except as provided in the said law has been taken away by prohibiting the same by express enactment

PROMPT JUSTICE: The trust shall ensure that Both the Parties get prompt justice.

IS Award Enforceable?

Please note that party is called for discussion in week days time. It does not matter the party doesn't have any "Arbitration Agreement" with the other party. Our experts and counsel will take care of that part, if the party agrees to go through "CADRT" system, Further the case will be taken up regardless of the position of the case, i.e. whether it is fresh or already before any court.

The award is normally made in 3 to 4 months time. Fast Track Arbitration takes approx 15 days or One month for the Award. The Award shall be enforceable as Court Decree

Arbitral Institution has been authorized to determine any issue which the parties have the freedom to decide themselves. The power of judicial authority to intervene saves and except as provided in the said law has been taken away by prohibiting the same by express enactment. Arbitral Tribunal has been vested with the competence to rule on its own jurisdiction including ruling on any objection with respect to the existence and validity of the arbitration agreement.

Arbitration Tribunal has been authorized to grant interim measures like injunction, attachment, receiver, security etc. arbitral award includes Interim award and is executable as Court Decree. arbitration proceedings have been accorded precedence over legal Proceedings and stay of Arbitral Proceedings has gone beyond the scope of law. All persons guilty of contempt of tribunal are liable to disadvantages, penalties and punishments, as they would incur for like offences in suits before the court. An award is ordinarily not liable to be set-aside on the ground either in fact or in law is erroneous. THE AWARD IS ENFORCEABLE JUST LIKE A COURT DECREE .

Appeal Against Award

(i) Sec 33: Correction and interpretation of award: Additional award

(i) Within 30 days from the receipt of the arbitral award unless another period of time has been agreed upon by the parties: (a) a party, with notice to the other party, may request the arbitral tribunal to correct any computation errors, any clerical or typographical errors or any other errors of similar nature in the award. (b) if so the parties agrees, then a party with notice to the other party, may request the arbitral tribunal to give an interpretation of a specific point or part of the award.

(2) Unless otherwise agreed by the parties, a party with notice to the other party, may request, within thirty days from the receipt of the arbitral award, the arbitral tribunal to make an additional arbitral award as to claims presented in the arbitral proceedings but omitted from the arbitral award

(2) Sec 34: Recourse Against Arbitral Award and Application for setting aside arbitral award :

An arbitral award may be set aside by the Court only if the party furnishes proof that:

(a) a party was under some incapacity. (b) the arbitration agreement is not valid under the law to which the parties have subjected it or, failing any indication thereon, under the law for the time being in force . (c) The party making the application was not given proper notice of the appointment of an arbitrator or of the arbitral proceedings or was otherwise unable to present his case . (d) The arbitral award deals with a dispute not contemplated by or not falling within the terms of the submission to **arbitration**, or it contains decision on matters beyond the scope of the submission to arbitration. (e) The composition of the arbitral tribunal or the arbitral procedure was not in accordance with the agreement of the parties, unless such agreement was in conflict with a provision of this part from which the parties cannot derogate or failing such agreement, was not in accordance with this part. (f) A court finds that the subject matter of the dispute is not capable of settlement by arbitration under the law for the time being in force. (g) The court finds that the arbitral award is in conflict with the public policy of India.

(3) Sec 37 Appealable Orders

An appeal shall lie firstly before the same Arbitral Tribunal as per Code of Arbitral Practice and Procedures of the Disputes Settlement Trust and after that only an appeal shall lie before any court for (a) Granting or refusing to grant any interim measure under Sec 9 and Sec 17 (b) setting aside or refusing to set aside an arbitral award under Sec 34. No second appeal shall lie before any court except the Supreme Court, from an order passed in appeal under Sec 37.

COST OF ARBITRATION/MEDIATION/CONCILIATION:

The fees/Cost should be paid by either party to the dispute as specifically applicable according to CADRT Rules of Arbitration Act 1996 and CADRT Rules of Mediation /Conciliation Act 1996.