

# “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) Signature of 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.