

**INDIAN MERCHANTS' CHAMBER - Court of Arbitration**

**INDIAN MERCHANTS' CHAMBER**

**TO ALL AFFILIATED ASSOCIATION MEMBERS**

Dear Sirs,

**Sub : Court of Arbitration of Indian Merchants' Chamber**

We refer to the Interactive Meeting we had with you on Tuesday the 3<sup>rd</sup> January 2006 in the Babuhai Chinai Committee Room, IMC in which Mr.Suresh Kotak, Past President, IMC in his address amongst other things referred to the excellent facilities provided by IMC for resolving commercial disputes of your members.

As many of you must be aware the Indian Merchants' Chamber provides unique facilities to its members and others for resolving any commercial dispute or differences arising out of or relating to any contract between the parties at a very reasonable cost as compared to the cost of litigation in Courts.

Considering the enormous cost involved in litigation and the inordinate delays which take place in courts, the chamber has, in order to assist the business community in resolving their commercial disputes, framed its own Rules of Arbitration and also the Rules of Conciliation.

The Rules of Arbitration and the Rules of Conciliation of the Chamber are based on the Arbitration and Conciliation Act 1996 with such addition of rules, which are supplementary and are permissible. The settlement in terms of consent terms arrived at during the conciliation proceedings have the force of law and is treated as a decree without going to the court. Similarly, award given by the arbitrated under the Rule of Arbitration of IMC can also be executed like a decree issued by the court. Under the Act now it is nit necessary to file the award by the arbitrator in any court to make it a rule it a rule of the Court, as was previously the case. Process if Arbitration under our Rules is simple, economic, user friendly, fair, speedy and effective.

We have on our Panel of Arbitration highly respected individuals with unimpeachable integrity. On our Panel there are Retired Judges from High Court and Supreme Court, very eminent Advocates, Counsels, Solicitors and other eminent Professionals such as Chartered Accountants, Architects, Engineers and also very well known Businessmen and Industrialists. Similarly there are expert Conciliators only as a respect to the Chamber and as a service to the trade commerce and industry in as much as persons at such low fee as is given under the Rules of Arbitration and Conciliation of the Chamber.

The Rules of Arbitration of IMC also provide for Fast Track Arbitration and the parties may opt for Fast Track Arbitration for expeditious disposal of their cases within a fixed time frame.

As compared to the cost of litigation in Civil Courts and in High Courts and the inordinate delays in court proceedings, the cost of resolving disputes in Arbitration Proceedings conducted by IMC is very economic and the proceedings are less time consuming.

Your members will be pleased to know that they need not become our members to avail of the facilities of Institutional Arbitration/Conciliation provided by the Chamber though Chamber would like very much and would welcome them as members should they choose to become our members.

We therefore recommend that in all the contracts that may be entered into by your members **they should include any one of the following Clauses in order to avail of the facility of Institutional Arbitration and/ or Conciliation provided by the Chamber.**

*“Any dispute or difference whatsoever arising between the parties out of or relating to the contract or construction, meaning, scope, implementation, operation or effect of this contract or the validity or the breach thereof shall be settled by arbitration in accordance with the Rules of Arbitration of the Indian Merchants' Chamber and the award made in pursuance thereof shall be binding on parties”.*

**OR**

*“Any dispute or difference whatsoever arising between the parties out of or relating to this contract or construction, meaning, scope, implementation, operation or effect of this contract or the validity or the breach thereof, shall be referred to Conciliation for amicable settlement in accordance with the Rules of Conciliation of the Indian Merchants' Chamber and if not satisfactorily resolved in conciliation shall be referred to Arbitration in accordance with the Rules of Arbitration of the Indian Merchants' Chamber and the award made in pursuance thereof shall be final and binding on the parties”.*

We shall be thankful if you would please circulate this letter to your members with a request to utilize the facility of Institutional Arbitration/Conciliation provided by the Chamber. For any further information and/or clarification your members may write to the undersigned and the undersigned shall be pleased to furnish them the same. Should you desire, the undersigned shall be delighted to visit your Association to make a presentation on the Rules of Arbitration/ Conciliation of IMC and meet your members personally, have a dialogue with them and give them such details as they may require and answer their queries.

If your association is already having your own Rules of Arbitration then also your association can join us by mutual agreement and avail of the excellent services provided by the Chamber.

Thanking you and looking forward to hearing from you soon,

Yours faithfully,

D C Tanna  
Advisor (Legal)

CC: Mr. Rajes Kapadia, President, IMC  
Mr. Nayan Patel, Vice-President, IMC  
Mr. Suresh Kotak, Chairman, IMC Court of Arbitration and Conciliation Committee, IMC