

HARYANA GOVERNMENT

INDUSTRIES AND COMMERCE DEPARTMENT

Order

The 24th October. 2013

No. 2/5/13-1-IB-II-2006

Subject: Panel for appointment of Arbitrators in respect of cases filed under the provisions of the Micro, Small and Medium Enterprises Development Act, 2006, before the Haryana Micro and Small Enterprises Facilitation Council.

The Government of India enacted the Micro, Small and Medium Enterprises Development Act, 2006. Section 18(3) of the MSMED Act envisages arbitration in the claim applications filed before the Haryana Micro and Small Enterprises Facilitation Council (HMSEFC) once the conciliation between the parties in dispute is not successful. Section 18(3) of the MSMED Act is reproduced below:-

“(3). Where the conciliation initiated under sub-section(2) is not successful and stands terminated without any settlement between the parties, the Council shall either itself take up the dispute for arbitration or refer to it any institution or centre providing alternate dispute resolution services for such arbitration and the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall then apply to the dispute as if the arbitration was in pursuance of an arbitration agreement referred to in sub-section (1) of section 7 of the Act.”

2. Rule 16 of the HMSEFC rules of 2007 refers to the issue of Arbitration for final settlement of the disputes in the cases filed before the HMSEFC. The contents of Rule 16 of the HMSEFC Rules, 2007, are reproduced below:-

“(16) When such conciliation does not lead to settlement of the dispute, the council shall either itself act an arbitrator for final settlement of the dispute or refer it to an institute for such arbitration, in accordance with the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996). The supplier or the buyer may, either in person or through his lawyer registered with any court, present his case before the Council or the institute during the arbitration proceedings. The institute shall submit its report to the Council within such time as the Council may stipulate.”

3. Keeping in view that the serving officers are invariably hard pressed for time for undertaking such proceedings and the need for expeditious disposal of arbitration cases, it

has been decided to empanel retired judicial officers for appointment as Arbitrators in such matters. Accordingly, the names of following retired judicial officers are included in panel of Arbitrators after obtaining their consent in this behalf:

Sr. No.	Name	Address
(i)	Sh. Babu Ram Gupta, District and Sessions Judge (Retired)	House No. 587, Sector-8/B, Chandigarh.
(ii)	Sh. R.P. Bhasin, District and Sessions Judge (Retired)	House No. 538, Sector-7, Panchkula.
(iii)	Sh. O.P. Gupta, District and Sessions Judge (Retired)	House No. 901, Sector-8, Panchkula.
(iv)	Sh. O.P. Garg, Additional District and Sessions Judge (Retired)	House No. 1637, Sector-15, Panchkula.

4. The arbitration fee would be decided by the Government from time to time. However, for the present, the fee of the Arbitrator and his support staff is fixed at Rs. 2500/- per hearing, subject to a maximum of Rs. 10,000/- in each case of appointment. Any matter regarding apportionment of the fees between the parties shall be decided by the Arbitrator.

Y.S. Malik,
Principal Secretary to Government of Haryana.
Industries and Commerce Department