

FAST TRACK ARBITRATION IN INDIA

Arbitration & Conciliation act is one of the most evolving acts in India. It has witnessed several revisions in recent past with fleetly increasing **GDP** in India. The disputes are also increasing proportionately, and it was the need of the hour to align the dispute resolution processes in such way that resolution of disputes can be accelerated for an early disposal.

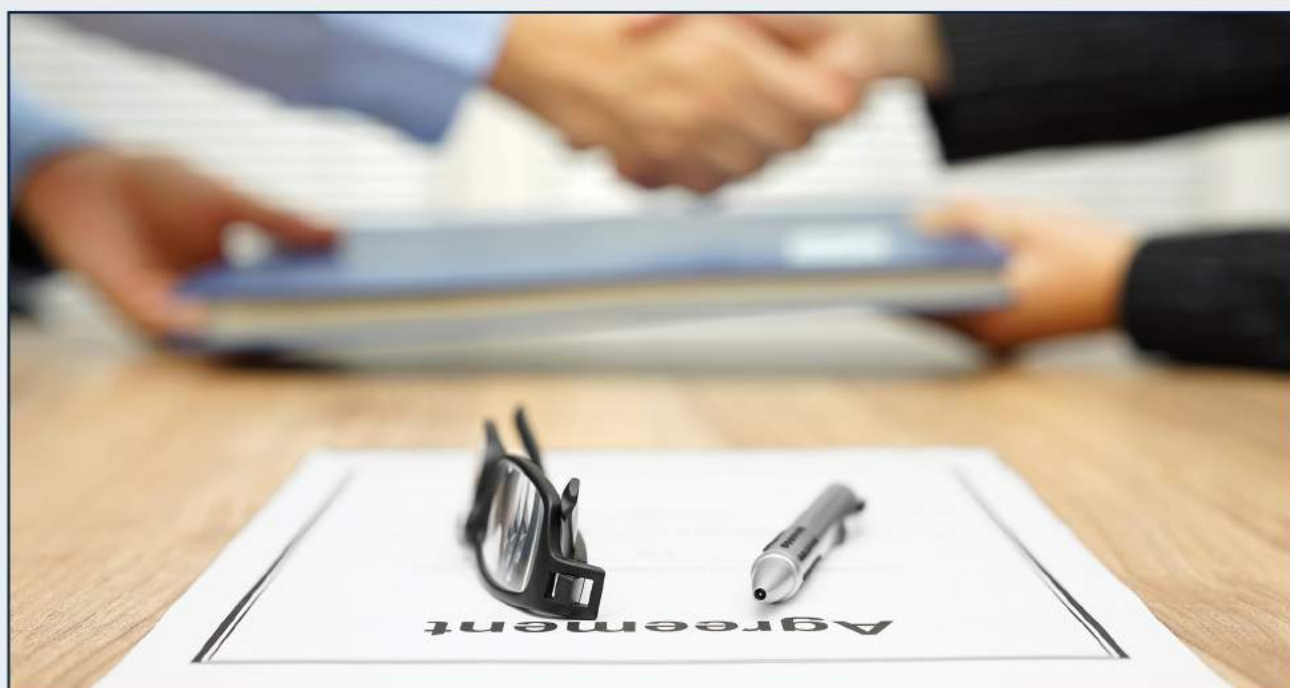
To speed up the arbitration proceedings in India, Fast Track Arbitration was introduced through the Arbitration and **Conciliation Amendment Act 2015** which stipulates to conclude the arbitration proceedings within 6 months by pleadings in writings basis the recommendation of the Report of the **246th Law Commission** on 5 August 2014.



The parties in dispute under **Rule no 44** of the Indian Council for Arbitration Clauses can choose for Fast Track arbitration before commencement of arbitral proceedings by requesting the arbitral bench to complete the arbitral proceedings within 3 to 6 months.

The Arbitral proceedings in Fast Track arbitration differs from that of Normal Arbitral proceedings in several ways:

- 1** Fast Track Arbitration demands appointment of a Sole Arbitrator appointed to the arbitration tribunal by the parties under Section 29B of the Act.
- 2** In Fast Track arbitration, the award shall be made within six months in pursuant to section 29B (4) from the date on which the arbitral bench enters into the reference. If the award is not received within the stated time, then the provisions of 29A, i.e., ordinary arbitral proceedings, shall be applied.
- 3** In a Fast Track arbitration proceeding, the fees payable to the arbitrator and how the fees are paid shall be as agreed and fixed between the arbitrator and the parties as per section 29B (6).
- 4** In Fast Track arbitration only written submissions are reckoned on for proceedings and no oral hearings are accepted unless the party so requests as per section 29B. However, if the parties request or the bench believes that oral submissions are necessary then the same can be carried out.



The proceedings of Fast Track Arbitration have brought significant changes to the proceedings of Normal Arbitration by consuming less time and money in concluding the arbitral proceedings in following ways:

- 1** The arbitration proceedings are governed by a veritably strict timeline within which the parties and the arbitrators have to come up with a resolution that is in the best interest of all parties involved.
- 2** The acceptance of only written submissions assured maximum clarity of the matter and fastens the process of arbitration which is in the best interest of all parties involved.
- 3** If there is delay in concluding the proceedings unless the court has extended the time limit, the mandate of the arbitrator could be terminated. Also, the arbitrators' fees can be reduced, not exceeding 5 % if the court extends the period without any substantial reasons.



The introduction of fast-track arbitration in India is one of the revolutions which can significantly contribute towards relief to the parties who are aggrieved due to pendency in resolution of disputes. The parties and the arbitrators are voluntarily opting for fast-track arbitration which is bringing down the otherwise lengthy arbitration timeline.

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**NEWS
UPDATE**

■ 196 critical infrastructure gap projects to work under PM Gati Shakti

As per the recent audits conducted by the Department for Promotion of Industry and Internal Trade (DPIIT), “196 infrastructure gap projects pertaining to port connectivity, and movement of coal, steel, and food products have been identified, on which Network Planning Group (NPG) is coordinating with the concerned ministries”.

Regarding the newly launched National Logistics Policy, the aim is to promote the smooth movement of goods across India and improve competitiveness in domestic and global markets. This won't only enhance logistical proficiency but is also a step towards Developed India! It is estimated that this policy would bring down our existing logistics cost of 14-15% of the GDP to a mere 8% by 2030.

■ ADB project to provide uninterrupted water supply to 3,70,000 residents across 10 HP districts

Strengthening its own mission of providing safe drinking water, improved water supply and better sanitation in Himachal Pradesh, the Indian government has recently signed a loan agreement of \$96.3 million with the Asian Development Bank.

The deal was spearheaded by Rajat Kumar Mishra, Additional Secretary in the Department of Economic Affairs, and Takeo Konishi, Country Director for ADB India. Aligned with the objectives of the Indian government's Jal Jivan Mission, ADB's

involvement in the project will integrate water management best practices. Strengthen the institutional capability, and steer necessary tariff reform.

This project will connect 75,800 households to the service, providing an uninterrupted water supply to about 3,70,000 residents across 10 districts. It also aims at constructing 48 groundwater wells, 80 surface water intake facilities, 109 water treatment plants, 117 pumping stations, and 3.000 km of water distribution pipelines.

■ Delhi to have a double-deck flyover to mitigate traffic congestion

A lump sum budget of Rs 266.89 cr has been approved by Deputy CM Manish Sisodia for the Delhi government's proposal to construct an underpass at Loni Chown and a flyover between Nand Nagri and Gagan Cinema to mitigate traffic snarls in northeast Delhi.

Other major development projects around the same objective - Elevated road to be constructed on G.T. road between the intersections of Azadpur and Rani Jhansi Road and a double deck flyover would be built on a portion of this route, will involve collaborative efforts by the Delhi Metro and PWD, hence, reducing the cost of construction by Rs 150 Cr.

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