



SMALL CLAIMS BENCH ARBITRATION
PROCEDURAL RULES

SMALL CLAIMS BENCH ARBITRATION

PROCEDURAL RULES

Small Claims Bench ARBITRATION	1
Request/Notice for Small Claims Bench Arbitration	3
Article 1	3
Response to the Application for Small Claims Bench Arbitration	3
Article 2	3
2.1 Once a valid request/application is received seeking Small Claims Bench Interim measures, the Jupitice Administrator shall give one day to the Respondent to file its brief response.	3
Article 1: Scope and Applicability of the Small Claims Bench Procedure Rules	5
Article 2: Pecuniary Jurisdiction	6
Article 3: Constitution of the Arbitral Tribunal	6
Article 4: Notice of Arbitration and Statement of Claim	7
Article 5: Reply to the Notice and Statement of Defense	7
Article 6: Consultation with the Parties	8
Article 7: Proceedings	8
Article 8: Evidence	8
8.1 The Arbitral Tribunal may decide which documents, exhibits or other evidence the parties should be produced before the Arbitral Tribunal.	8
8.2 Unless otherwise directed by the Arbitral Tribunal, statements by witnesses, including expert witnesses, shall be presented before the Arbitral tribunal in writing and signed by them.	8
8.3 The Arbitral Tribunal in its discretion may decide which Witnesses, including Expert Witnesses, shall testify to the Arbitral Tribunal if hearings are held.	8
Article 9: Award	8
Article 10: General Rule	9

Request/Notice for Small Claims Bench Arbitration

Article 1

1.1 A party that wishes to seek Small Claims Bench interim relief may, concurrent with or following the filing of an Arbitration Request under Article 5 of the Rules but prior to the constitution of the Arbitral Tribunal, file an application for Small Claims Bench Arbitration with the Administrator of Jupitice Justice Technologies Pvt. Ltd. The party shall, at the same time as it files the Application, send a copy of the Application to all other parties via the designated Electronic Address.

1.2. The Application must contain the following requisites:

1. a description of the circumstances giving rise to the Application and the underlying dispute referred to arbitration;
2. the nature of relief sought;
3. the grounds for granting such relief;
4. Supporting documents, if any and
5. proof of payment of the requisite filing fee under these Rules.

Response to the Application for Small Claims Bench Arbitration

Article 2

2.1 Once a valid request/application is received seeking Small Claims Bench Interim measures, the Jupitice Administrator shall give one day to the Respondent to file its brief response.

Small Claims Bench Arbitrator

Article 3

3.1 A party that needs urgent interim or conservatory measures that cannot await the constitution of an Arbitral Tribunal (“Small Claims Bench Measures”) may make an application for such measures pursuant to the Small Claims Bench Arbitrator Rules in Appendix V. Any such application shall be accepted only if it is received by Jupitice ADMINISTRATOR prior to the transmission of the file to the

Arbitral Tribunal pursuant to Article 12.7 and irrespective of whether the party making the application has already submitted its Request for Arbitration.

3.2 The Small Claims Bench Arbitrator's decision shall take the form of an order. The parties undertake to comply with any order made by the Small Claims Bench Arbitrator.

3.3 The Small Claims Bench Arbitrator's order shall not bind the Arbitral Tribunal with respect to any question, issue or dispute determined in the order. The Arbitral Tribunal may modify, terminate or annul the order or any modification thereto made by the Small Claims Bench Arbitrator.

3.4 The Arbitral Tribunal shall decide upon any party's requests or claims related to the Small Claims Bench Arbitrator proceedings, including the re allocation of the costs of such proceedings and any claims arising out of or in connection with the compliance or non-compliance with the order.

3.5 Articles 3.1–3.4 and the Small Claims Bench Arbitrator Rules set forth in Appendix V (collectively the "Small Claims Bench Arbitrator Provisions") shall apply only to parties that are either signatories of the Arbitration agreement under the Rules that is relied upon for the application or successors to such signatories.

3.6 The Small Claims Bench Arbitrator Provisions shall not apply if:

- a) the parties have agreed to opt out of the Small Claims Bench Arbitrator Provisions; or
- b) the parties have agreed to another pre-arbitral procedure that provides for the granting of conservatory, interim or similar measures.
- c) The Small Claims Bench Arbitrator Provisions are not intended to prevent any party from seeking urgent interim or conservatory measures from a competent judicial authority at any time prior to making an application for such measures, and in appropriate circumstances even thereafter, pursuant to the Rules. Any application for such measures from a competent judicial authority shall not be deemed to be an infringement or a waiver of the Arbitration agreement. Any such application and any measures taken by the judicial authority must be notified without delay to Jupitice ADMINISTRATOR.

Small Claims Bench Arbitration

Small Claims Bench Procedure Model Clause

To adopt Jupitice Online Administered Arbitration Services under Small Claims Bench procedure, we recommend the following model clause may be adopted by the parties to a contract who wish to refer any future disputes to arbitration in accordance with these Rules:

*“Any dispute, controversy or claim arising out of or relating to this contract including the existence, validity, interpretation, performance, breach or termination thereof or any dispute regarding non-contractual obligations arising out of or relating to it shall be referred to and finally resolved by Online Arbitration Administered by Jupitice under in accordance with the Jupitice Online Administered Arbitration Rules (“Rules”) read with Small Claims Bench Procedure Provisions as contained in Schedule-2 in force on the date when request for Arbitration is submitted, which Rules are deemed to be incorporated by reference into this Clause and the award made in pursuance to their shall be binding on the parties, by using **Jupitice Justice Technologies Platform**.*

The Law governing the Contract is

The Law governing the Arbitration Agreement is

The place of arbitration shall be Jupitice Arbitration Digital Court Room.

The number of arbitrators shall be ... (one or three).

The arbitration proceedings shall be conducted in ... (insert language).”

The Parties further agree that the fee shall be paid to Jupitice will be borne among/by the parties as under:-

a. In equal ratio or

b. In the ratio as under:-

c. Exclusively by

The Small Claims Bench Procedure is a fast-track process which requires the award to be rendered within 30 days from the date of constitution of the Arbitral Tribunal unless otherwise agreed by the parties.

Prior to the constitution of the Arbitral Tribunal, a party may apply to JUPITICE Administrator in writing for the arbitration to be conducted in accordance with the provisions explained under Schedule 2 of the Jupitice Online Administered Arbitration Rules on the Small Claims Bench Procedure.

Article 1: Scope and Applicability of the Small Claims Bench Procedure Rules

1.1 By agreeing to the Rules, the parties have agreed that dispute between them in reference to the defined legal relationship, whether contractual or not, shall be referred to Online Arbitration under the Jupitice Small Claims Bench Arbitration Rules (“Small Claims Bench Rules”)

1.2 At any time during the proceedings, the parties may revoke mutually to the fact that the Small Claims Bench Rules shall no longer apply to the Arbitration.

1.3 At the request of any of the party, the Arbitral Tribunal may in its discretion and in the presence of exceptional circumstances shall invite parties to express their views and determine that the Expedite Rules shall no longer apply to the Arbitration.

Provided that the Arbitral Tribunal shall state the reasons upon which determination is based.

1.4 Where the Expedite Rules no longer apply to the Arbitration pursuant to paragraph 1. 2 and 1. 3, the Arbitral Tribunal shall continue to remain in force and conduct the Arbitration in accordance with the JUPITICE Arbitration Rules.

1.5 The Small Claims Bench Procedure Provisions shall apply if:

- a) the amount in dispute representing the aggregate of any claim and counterclaim (or any set-off defence) does not exceed Rs. 50,00,000/- or;
- b) the parties so agree; or
- c) In cases of exceptional urgency.

1.6 The provisions of Expedite Procedure shall apply irrespective of the date of conclusion of the Arbitration Agreement, if the parties have agreed to opt in. Such opt in Arbitration Agreements can be concluded in the Arbitration Agreement or by separate or subsequent agreement.

Article 2: Pecuniary Jurisdiction

2.1 For the purpose of deciding whether the Expedite Procedure Provisions apply, the parties shall submit the amount in dispute which includes all quantified claims, counterclaims, cross-claims and claims pursuant to Article 9, 10 and 11 of the JUPITICE ONLINE ADMINISTERED ARBITRATION RULES.

2.2 After the submission by the parties, for determining the applicability of Expedite Procedure Provisions, the Jupitice Administrator will consider the quantification or value submitted by the parties.

2.3 Any decision made by the Administrator as to the amount in dispute for purposes of determining whether the Expedite Procedure Provisions apply shall not bind the Arbitral Tribunal when deciding the substance of the dispute.

Article 3: Constitution of the Arbitral Tribunal

3.1 The parties shall jointly appoint a Sole Arbitrator within a time period to be fixed by the Jupitice Administrator.

3.2 Where parties fail to reach on appointment mutually, a sole arbitrator shall be appointed by the Digital Court in accordance with Article 16 of JUPITCE ONLINE ADMINISTERED ARBITRATION RULES.

3.3 In case of Small Claims Bench procedure, the Arbitral Tribunal shall be constituted not later than 3 days after the case is initiated by the parties.

Article 4: Notice of Arbitration and Statement of Claim

4.1 A notice to be served for conducting the arbitration which shall include:

- a. The names and contact details of the parties to arbitration (including full address of both parties, email addresses and registered mobile numbers);
- b. A copy of Arbitration agreement/Clause that is invoked;
- c. A copy of any Contract or other legal instrument out of or in relation to which the dispute arises;
- d. Brief description of facts relating to the dispute;
- e. Time period to file response;
- f. List of claims and an indication of the amount involved in the dispute;
- g. Supporting documents, if any;
- h. The relief or remedy sought;
- i. The signature or other means of identification of the Claimant.

4.2 In case of Small Claims Bench Procedure, the Notice to arbitration shall be accompanied by a Statement of Claim.

4.3 The Claimant shall communicate the Notice of Arbitration and the Statement of Claims to the Respondent and the Arbitral Tribunal.

Article 5: Reply to the Notice and Statement of Defense

5.1 Within 03 days of the receipt of the notice of arbitration, the respondent shall communicate to the claimant a reply to the notice of arbitration, which shall also include responses to the information with reference to article 4(1)(a) and 4(1)(b) of the Expedite Rules.

5.2 The Respondent shall also communicate his/her Statement of Defense to the Claimant and the Arbitral Tribunal within 03 days of the receipt of the notice.

Article 6: Consultation with the Parties

6.1 After the constitution of the Arbitral Tribunal, the Arbitral Tribunal may consult the parties, for discussion on the manner in which the Arbitral Tribunal will conduct the Arbitration.

Provide that the Arbitral Tribunal in its discretion may adopt such procedural measures as it considers appropriate to conduct the Arbitration in accordance with the time limits established therein.

Article 7: Proceedings

7.1 The Arbitral Tribunal may, after inviting both the parties to express their views and in the absence of a request to hold hearings, decide that the hearing shall not be held.

7.2 While conducting the Arbitration under the Small Claims Bench Procedure Provisions, the Arbitral Tribunal shall act fairly and impartially and ensure that the principle of Natural Justice shall be followed i.e. every party shall be given a reasonable opportunity of being heard.

7.3 During the course of the proceedings, a party may not amend or supplement its Claim or Defense, including a Counter Claim for the purpose of a set-off, unless the Tribunal considers it to be appropriate and it appears to the Tribunal that if such amendment will not be allowed, it can cause injustice to either party.

Provided that such amendment or supplement shall not be amended or supplemented in such a way that the amended or supplemented claim or defence falls outside the jurisdiction of the Arbitral Tribunal.

7.4 The Arbitral Tribunal may, after inviting the parties to express their views, decide whether any further documents/Evidence shall be required from the parties or may be presented by them.

7.5 The Arbitral Tribunal may not entertain unnecessary adjournments keeping in mind the paucity of time to render its award.

7.6 The Arbitral Tribunal shall endeavour to complete the hearing within 05 days after the evidence is submitted by both the parties.

Article 8: Evidence

8.1 The Arbitral Tribunal may decide which documents, exhibits or other evidence the parties should be produced before the Arbitral Tribunal.

8.2 Unless otherwise directed by the Arbitral Tribunal, statements by witnesses, including expert witnesses, shall be presented before the Arbitral tribunal in writing and signed by them.

8.3 The Arbitral Tribunal in its discretion may decide which Witnesses, including Expert Witnesses, shall testify to the Arbitral Tribunal if hearings are held.

Article 9: Award

9.1 The Arbitral Tribunal shall pronounce the award within a period of 30 days from the date of constitution of the arbitral tribunal unless otherwise agreed by the parties.

9.2 The Arbitral Tribunal may, in exceptional circumstances and after inviting the parties to express their views, extend such time limit as fixed.

Provide that such extension of time shall not extend a total period of 45 days.

9.3 If it seems to the Arbitral Tribunal that it is at risk of not rendering the award within the extended time limit, it shall propose a final time limit to the parties stating the reasons for such delay and invite the parties to express their views within a prescribed time as deems fit to the Arbitral Tribunal.

9.4 In case where the parties do not reach to an agreement to the extension, any party may make a request that the Expedite Rules shall no longer apply to the arbitration. After inviting the parties to express their views, the Arbitral Tribunal may determine to continue to conduct the Arbitration with the JUPITICE ONLINE ADMINISTERED ARBITRATION RULES.

Article 10: General Rule

10.1 In all matters concerning the Small Claims Bench Procedure not expressly provided for in this, the Digital Court and the arbitral tribunal shall act in the spirit of the JUPITICE ONLINE ADMINISTERED ARBITRATION RULES and the Law of the Land.

A New Justice Order!...