

	<p style="text-align: center;">THE PUBLIC CONTRACTS (SETTLEMENT OF DISPUTES) BILL, 2014</p> <p style="text-align: center;">A</p> <p style="text-align: center;">BILL</p>	
	<p>to provide for the resolution of disputes arising from certain public contracts, including contracts for public-private partnerships or for construction of works, production and supply of goods or for provision of services, entered into by the Central Government or a State Government or any local or other statutory authority or any corporation, society or trust owned or controlled by such Government and for matters connected therewith or incidental thereto.</p>	
	<p>BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:-</p>	
	<p style="text-align: center;">CHAPTER I PRELIMINARY</p>	
Short title, extent, commencement and application.	<p>1. (1) This Act may be called the Public Contracts (Settlement of Disputes) Act, 2014.</p>	
	<p>(2) It extends to the whole of India, except the State of Jammu and Kashmir.</p>	
	<p>(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.</p>	
	<p>(4) It shall apply in the first instance to public contracts entered into by the Central Government or a public authority under that Government; and the Central Government may, by notification in the Official Gazette, declare that this Act shall also apply to public contracts entered into by a State Government or a public authority under that Government.</p>	
	<p>(5) The provisions of this Act shall not apply to-</p>	
	<p>(a) any public contract which provides for a place of arbitration situated outside India;</p>	

	(b) any public contract executed by the naval, military or air forces or any other armed forces of the Union, unless such contract provides for application of this Act; and	
	(c) any other public contract or class of public contracts which the Central Government may in public interest notify.	
Definitions.	2. In this Act, unless the context otherwise requires, –	
	(a) “application” means an application made under section 18;	
	(b) “appointed day”, in relation to the Tribunal, means the date on which it is constituted under section 3;	
	(c) “arbitral award” means an award made in an arbitral proceeding under this Act ;	
	(d) “arbitral tribunal” means a tribunal comprising of a single arbitrator or three arbitrators, as the case may be , referred to in section 24 ;	
	(e) “arbitration” means an arbitral proceeding held in pursuance of the direction made by the Tribunal;	
	(f) “arbitration agreement” means an agreement between the parties to submit to arbitration all or certain disputes which have arisen or may arise for and in respect of a public contract and shall be in writing either in the form of an arbitration clause in the public contract or in the form of a separate agreement ;	
	(g) “arbitrator” means a person who is on the panel of arbitrators prepared and maintained by the Tribunal;	
	(h) “Bench” means a Bench of the Tribunal;	
	(i) “Chairperson” means the Chairperson of the Tribunal;	
	(j) “contractor” means a person who has entered into a contract with any public authority for construction of any works, buildings or structures, or for production and supply of equipment, machinery or goods, or for provision of services, as the case may be, by such person, which shall include any such construction, production, provision or supply by a corporation, society or trust owned or controlled by the Government, but does not include a contract which is only for supply of goods or a contract which has a term of less than two years;	
	(k) “control” means with respect to a person which is a company, the ownership, directly or indirectly,	

	of fifty per cent. or more of the voting shares of such person, and with respect to a person which is not a company, the power to give directions with respect to the management and policies of such person, whether by operation of law or by contract or otherwise;	
	(l) "corporation" means a company established under the Companies Act, 1956 or a substitute thereof and includes any other corporation or company established under any law for the time being in force;	1 of 1956.
	(m) "dispute" means a dispute defined or recognised as such in a public contract or arising in any manner from or in relation to the terms and conditions of a public contract or breach thereof;	
	(n) "Government" means the Central Government;	
	(o) "industry" means any systematic activity carried on by co-operation between an employer and his workmen (whether such workmen are employed by such employer directly or by or through any agency, including a contractor) for the production, supply or distribution of goods or services with a view to satisfying human wants or wishes (not being wants or wishes which are merely spiritual or religious in nature), whether or not, -	
	(i) any capital has been invested for the purpose of carrying on such activity; or	
	(ii) such activity is carried on with a motive to make any gain or profit, and includes any activity relating to the promotion of sales or business or both carried on by an establishment, but does not include any agricultural operation or any charitable, social or philanthropic service;	
	(p) "Member" means a member of the Tribunal, and includes the Chairperson and Vice-Chairperson;	
	(q) "notification" means a notification published in the Official Gazette;	
	(r) "panel of arbitrators" means the panel of arbitrators prepared and maintained by the Tribunal in accordance with the provisions of this Act and the regulations made thereunder;	
	(s) "person" includes an individual, a corporation, a firm, a local authority, an association of persons or a body of individuals, whether incorporated or not, and every other artificial juridical person;	

	(t) "prescribed" means prescribed by rules made under this Act;	
	(u) "public authority" means,- (i) the Central Government, any Municipality or Panchayat or any local or other authority within the territory of India or under the control of such Government or any corporation , society or trust owned or controlled by such Government;	
	(ii) any State Government, Municipality or Panchayat or any local or other authority within the territory of India or under the control of such Government or any corporation , society or trust owned or controlled by such Government;	
	(v) "public contract" means a contract entered into between a public authority on the one hand and a service provider or contractor, as the case may be, on the other hand, which is written and duly signed by the parties thereto;	
	(w) "public private partnership" means a contractual arrangement that sets out the respective rights and obligations of the public authority and service provider which may <i>inter alia</i> provide for financing, building, exploration, mining, operation, maintenance or management of any services, facilities, amenities, works, ports, airports, roads, railways, mines, oilfields or other assets, as the case may be, by the service provider and its entitlement to recover user charges, unitary charges, service charges, tariffs or prices, as the case may be, whether for provision of such services, facilities, amenities or assets, or by way of sale of any produce, or in any other manner, but does not include a contract which has a term of less than three years;	
	(x) "regulations" means regulations made by the Tribunal under this Act;	
	(y) "rules" means rules made by the Government under this Act;	
	(z) "service provider" means a person who has entered into a contract with the public authority for and in respect of a public-private partnership;	
	(za) "society" means a society registered under the Societies Registration Act, 1860 or under any corresponding law for the time being in force in a State;	21 of 1860.
	(zb) "Tribunal" means the Tribunal constituted	

	under section 3 and includes any Bench thereof;	
	(zc) "trust" means a trust registered under the Indian Trusts Act, 1882 or under any corresponding law for the time being in force in a State;	2 of 1882.
	(zd) "unitary charge" means a charge payable by a public authority to a service provider for provision of assets or services, as the case may be, in accordance with a contract, and includes annuity payments or other similar payments by whatever name called; and	
	(ze) "Vice-Chairperson" means the Vice-Chairperson of the Tribunal.	
	CHAPTER II CONSTITUTION AND FUNCTIONS OF TRIBUNAL	
Constitution of Tribunal.	3. The Government shall, by notification, constitute a Tribunal, to be known as the Tribunal for Public Contracts, to exercise the jurisdiction, powers and authority conferred on such Tribunal by or under this Act.	
Composition of Tribunal and Benches thereof.	4. (1) The Tribunal shall consist of a Chairperson and such number of Vice-Chairpersons and other Members as the Government may deem fit and, subject to the other provisions of this Act, the jurisdiction, powers and authority of the Tribunal may be exercised by the Benches thereof:	
	Provided that the Government may, on the recommendations of the Chairperson and keeping in view the pendency of cases, appoint such additional Vice-Chairpersons and Members as it may deem necessary for speedy disposal of cases.	
	(2) Subject to the other provisions of this Act, a Bench shall ordinarily consist of two Members, of whom one shall be the Chairperson or Vice-Chairperson.	
	(3) The Chairperson or Vice-Chairperson shall be the presiding officer of each Bench.	
	(4) Notwithstanding anything contained in sub-section (1), the Chairperson may-	
	(a) constitute Benches of the Tribunal;	
	(b) in addition to discharging the functions of the presiding officer of a Bench, discharge the functions of the presiding officer of any other Bench;	
	(c) transfer a Vice-Chairperson or Member,-	
	(i) from one Bench to another Bench in the same city;	
	(ii) from one city to another city, with prior approval of the Government;	
	(d) authorise the Member appointed to one Bench	

	to also discharge the functions of the Member of another Bench; and	
	(e) for the purpose of securing that any case which, having regard to the nature of the questions involved, requires, in his opinion or under the regulations, to be decided by a Bench composed of more than two Members, issue such general or special orders, as he may deem fit.	
	(5) The Principal Bench of the Tribunal shall sit at Delhi and the other benches shall sit at Chennai, Kolkata, Mumbai and such other places as the Government may by notification specify.	
	(6) Where no Vice-Chairperson has been appointed, the senior-most Member shall act as the Vice-Chairperson.	
	(7) In the event the number of applications pending before the Tribunal for more than one hundred and eighty days is such that it requires the constitution of additional Benches, the Chairperson shall send a report to the Government with necessary particulars and recommendations as to the number of additional Vice-Chairpersons and Members required to be appointed for additional Benches, and the Government shall consider and act upon such recommendations forthwith.	
Eligibility for appointment as Chairperson, Vice-Chairpersons and Members.	5. (1) A person shall not be eligible for appointment as the Chairperson, Vice-Chairperson or Member unless he-	
	(a) in the case of the Chairperson is, or has been, a Judge of the Supreme Court or the Chief Justice of a High Court; or	
	(b) in the case of a Vice-Chairperson is, or has been, a Judge of a High Court or a Member; and	
	(c) in the case of a Member, is eligible for appointment as a Judge of a High Court.	
	(2) Before appointing any person as Chairperson, Vice-Chairperson or Member the Government shall satisfy itself that such person does not have any financial or other interest which is likely to affect prejudicially his functions as such Chairperson, Vice-Chairperson or Member.	
Constitution of Search-cum-Selection Committee.	6. (1) The Government shall, for the purposes of selecting the Chairperson, Vice-Chairperson and Members, constitute a Search-cum-Selection Committee consisting of-	
	(a) a Judge of the Supreme Court, to be nominated by the Chief Justice of India Chairperson;	
	(b) Chief Justice of a High Court, to be nominated by the	

	<p>Chief Justice of India Member;</p> <p>(c) a member of the Union Public Service Commission, to be nominated by the Chairman of the Commission Member;</p> <p>(d) a distinguished jurist, to be nominated by the Government Member;</p> <p>(e) Secretary-in-charge of the Department of JusticeMember-Convenor.</p>	
	<p>(2) The Government shall, within one month from the date of the occurrence of any vacancy by reason of death, resignation or removal of a Member and six months before the superannuation or end of tenure of such Member, make a reference to the Search-cum-Selection Committee for filling up of the vacancy.</p>	
	<p>(3) The Government shall issue an advertisement in at least two prominent national daily newspapers for inviting applications from eligible candidates for filling up any vacancy of a Member of the Tribunal and shall also place such advertisement on the website of the Government and the Tribunal.</p>	
	<p>(4) The Search-cum-Selection Committee shall, in accordance with such procedure as it may devise, consider all the applications received for filling up the vacancy of a Member and may also consider other suitable persons who may not have applied for such vacancy.</p>	
	<p>(5) The Search-cum-Selection Committee shall conduct its search and selection process in a fair and transparent manner and shall keep a record thereof.</p>	
	<p>(6) The Search-cum-Selection Committee shall finalise the selection of the Members referred to in sub-section (1) of section 4 within three months from the date on which the reference is made to it.</p>	
	<p>(7) The Search-cum-Selection Committee shall, as far as may be, recommend a panel of two names for every vacancy referred to it.</p>	
	<p>(8) No appointment of Member shall be invalid merely by reason of any vacancy in the Search-cum-Selection Committee.</p>	
<p>Appointment of Chairperson, Vice-Chairpersons and Members.</p>	<p>7. (1) The Chairperson, Vice-Chairperson and Members shall be appointed by the Government on the recommendations of the Search-cum-Selection Committee referred to in section 6.</p>	

	(2) The Government shall, within sixty days of receiving the recommendations of the Search-cum-Selection Committee pursuant to the provisions of sub-section (7) of section 6, appoint the Chairperson, Vice-Chairpersons and Members, as the case may be, to fill the vacancies as and when they arise.	
Vice-Chairperson to act as Chairperson.	8. (1) In the event of occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the senior-most Vice-Chairperson shall act as the Chairperson until the date on which a new Chairperson, appointed in accordance with the provisions of this Act to fill such vacancy, enters upon his office.	
	(2) When the Chairperson is unable to discharge his functions owing to absence, illness or any other cause, the senior-most Vice-Chairperson shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.	
Term of office.	9. The Chairperson, Vice-Chairperson or Member shall hold office as such for a term of five years from the date on which he enters upon his office and shall be eligible for reappointment:	
	Provided that no Chairperson, Vice-Chairperson or Member shall hold office as such after he has attained,-	
	(a) in the case of the Chairperson, the age of seventy years;	
	(b) in the case of a Vice-Chairperson, the age of sixty-seven years;	
	(c) in the case of a Member, the age of sixty-five years.	
Resignation and removal.	10. (1) The Chairperson, Vice-Chairperson or Member may, by notice in writing under his hand addressed to the Government, resign his office:	
	Provided that the Chairperson, Vice-Chairperson or Member shall, unless he is permitted by the Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.	
	(2) The Government may, in consultation with the Chief Justice of India, remove from office the Chairperson, Vice-Chairperson or a Member, who-	
	(a) has been adjudged an insolvent; or	
	(b) has been convicted of an offence which, in the opinion of the Government, involves moral turpitude; or	

	(c) has become physically or mentally incapable; or	
	(d) has acquired such financial or other interest as is likely to affect prejudicially his functions; or	
	(e) has so abused his position as to render his continuance in office prejudicial to the public interest:	
	Provided that no Chairperson, Vice-Chairperson or Member shall be removed from his office under clause (d) or clause (e) except by an order made by the Central Government after an inquiry made by a Judge of the Supreme Court, who shall be nominated by the Chief Justice of India on a reference by the Central Government, in which such Chairperson, Vice-Chairperson or Member has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.	
	(3) The Government may suspend from office the Chairperson, Vice-Chairperson or Member in respect of whom a reference of conducting an inquiry has been made under the proviso to sub-section (2), until the Government passes an order on receipt of the report of inquiry made by the Judge of the Supreme Court on such reference.	
	(4) The Government may prescribe the procedure for inquiry referred to in the proviso to sub-section (2).	
Salaries and allowances and other terms and conditions of service of Chairperson, Vice-Chairperson and Members.	11. (1) The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson, Vice-Chairperson and Members of the Tribunal shall be such as may be prescribed:	
	Provided that the Chairperson and other Members shall, in lieu of salary, house rent allowance and car allowance, be entitled to a minimum consolidated lump sum remuneration of four lakh and fifty thousand rupees, and four lakh rupees per month respectively, which shall be revised to reflect the variation in consumer price index, or any substitute thereof, occurring after the first April of the year two thousand and fourteen:	
	Provided further that the Chairperson and other Members of the Tribunal or its Bench situated in a city exceeding a population of twenty lakhs shall be entitled to a city compensatory allowance equal to ten per cent. of the lump sum remuneration specified in the foregoing proviso and in case of a city exceeding a population of fifty lakhs, such allowance shall be twenty per cent. of the lump sum remuneration:	
	Provided also that neither the salary and allowances nor the other terms and conditions of service of the	

	Chairperson and other Members shall be varied to their disadvantage after appointment.	
	(2) Every Member shall, before entering upon his office, make and subscribe to an oath of office and secrecy in such form and in such manner and before such authority as may be prescribed.	
Provision as to holding of office on ceasing to be Chairperson, etc.	12. On ceasing to hold office, the Chairperson, Vice-Chairperson or Member-	
	(a) shall be ineligible for further employment under the Central Government or any State Government, save as provided in sub-section (1) of section 8;	
	(b) shall not appear, act or plead before the Tribunal;	
	(c) shall not accept any commercial employment for a period of two years from the date he ceases to hold such office.	
	<i>Explanation.-</i> For the purposes of this section,-	
	(i) employment under the Central Government or any State Government includes employment under a Municipality or Panchayat or any local or other authority under the control of such Government or under any corporation, society or trust owned or controlled by such Government.	
	(ii) "commercial employment" means employment in any capacity in any organisation which has been a party to the proceedings before the Tribunal, or employment in any capacity under, or agency of, a person engaged in trading, commercial, industrial or financial business in any industry which is the subject-matter of the jurisdiction of the Tribunal and includes a director of a company or partner of a firm or setting up practice either independently or as partner of a firm or as an advocate, advisor or a consultant.	
Powers of Chairperson, Vice-Chairpersons and Members.	13. (1) The Chairperson of the Tribunal shall exercise general power of superintendence and control over the Tribunal and its Benches and shall also exercise such administrative and financial powers over the Benches as may be prescribed:	
	Provided that the Chairperson may, by general or special order, delegate such of his administrative and financial powers to any or all Vice-Chairpersons or Members, as he may deem necessary, subject to the condition that the Vice-Chairpersons and Members shall, while exercising such delegated powers, continue to act under the direction, control and superintendence of the Chairperson.	
	(2) The senior-most Vice-Chairperson at each of the	

	cities mentioned in sub-section (5) of section 4 or notified thereunder shall exercise such administrative and financial powers over the Benches situated within the State or States in his jurisdiction as may be prescribed.	
Staff of Tribunal.	14. (1) The Government shall determine the nature and categories of the officers and other employees required to assist the Tribunal in the discharge of its functions and may provide the Tribunal with such officers and other employees as it may think fit.	
	(2) The officers and other employees of the Tribunal shall discharge their functions under the general superintendence of the Chairperson.	
	(3) The manner of appointment, salaries and allowances and other terms and conditions of service of the officers and other employees of the Tribunal shall be such as may be prescribed.	
	(4) The Chairperson or Vice-Chairperson, as the case may be, may engage on contract basis such persons as may be necessary for efficient discharge of the functions of the Tribunal:	
	Provided that the total number of contracted persons shall not exceed two for each Member , three for each Vice-Chairperson and five for the Chairperson:	
	Provided further that the remuneration of the persons engaged on contract basis shall be such as may be specified by regulations.	
Functions of Tribunal.	15. The Tribunal shall discharge the following functions, namely:-	
	(a) adjudicate upon disputes;	
	(b) refer disputes to arbitral tribunals and adjudicate upon arbitral awards passed by such arbitral tribunals;	
	(c) adjudicate upon disputes between a public authority, service provider or contractor, as the case may be, and any other person, if such dispute arises in the course of adjudication referred to in clause (a) and has a material bearing on the performance of a public contract by the parties thereto;	
	(d) exercise supervisory control over the arbitral tribunals, and ensure that the arbitration proceedings are conducted in accordance with the rules and regulations made under this Act;	
	(e) such other functions as may be assigned to it by the Government under this Act:	
	Provided that where adjudication of a dispute referred to in sub-clause (a), (b) or (c) requires any other person as a necessary party, the Tribunal shall have the power	

	to pass orders relating to such person and the proceedings before the Tribunal shall not be vitiated because such person is arrayed as a party:	
	Provided further that no order shall be made by the Tribunal to the prejudice of any party unless such party has been given an opportunity of being heard in such manner as may be specified by regulations.	
	CHAPTER III JURISDICTION, POWERS AND AUTHORITY OF TRIBUNAL	
Jurisdiction, powers and authority of Tribunal.	16. (1) Save as otherwise expressly provided in this Act, the Tribunal shall exercise, on and from the appointed day, the jurisdiction, powers and authority to entertain and decide applications in relation to any dispute arising from a public contract which has been executed or entered into by a public authority or by any entity in which such public authority is a signatory.	
	(2) The jurisdiction of the Tribunal shall extend to any dispute arising from a public contract, including disputes relating to execution of the contract, specific performance of terms of the contract, termination, cancellation, repudiation, and claims for damages for breach of contract if it involves an amount of five crore rupees or more in each case, or such lower amount for and in respect of such class or classes of cases, as may be prescribed.	
Bar of jurisdiction.	17. On and from the appointed day, no court shall have, or be entitled to exercise, any jurisdiction, powers or authority (except the Supreme Court, and a High Court exercising jurisdiction under articles 226 and 227 of the Constitution) in relation to the matters specified in section 16.	
	CHAPTER IV PROCEDURE AND PROCEEDINGS	
Application to Tribunal.	18. (1) Subject to the provisions of this Act, any person who is a party to a public contract may make an application to the Tribunal for the resolution of any dispute that falls within the jurisdiction of the Tribunal:	
	Provided that at any time prior to making an application to the Tribunal under section 18, the parties to a contract may mutually agree, in writing, to resolve a particular dispute that may have arisen between them, by recourse to arbitration in accordance with the provisions of the Arbitration and Conciliation Act, 1996 and upon such agreement being given effect to by the parties, the jurisdiction of the Tribunal shall be excluded for and in respect of that particular dispute and the provisions of the Arbitration and Conciliation Act, 1996 shall apply to the resolution of that	26 of 1996.

	dispute.	
	(2) Every application under sub-section (1), shall be in such form and be accompanied by such documents or other evidence as may be specified by regulations.	
	(3) Every application under sub-section (1), shall be accompanied by such fee, having regard to the amount involved in the dispute and the expenditure incurred by the Central Government or the Tribunal, as may be prescribed:	
	Provided that nothing contained in this sub-section relating to fee shall apply to cases transferred to the Tribunal under sub-section (1) of section 45.	
Notice to respondent.	19. On receipt of an application under section 18, if the Tribunal finds it appropriate upon a prima facie examination thereof, it shall issue notice to the respondent, and the respondent shall, within a period of forty-five days from the date the respondent is served with a copy of the application, file a statement of defence in respect of the particulars mentioned in the application and the respondent shall submit, along with the statement of defence, copies of the documents that are critical to the respondent's defence, and a list of documents on which he relies; where the respondent elects to file a counterclaim, the applicant shall file its statement of defence to the counterclaim within thirty days from the date of receipt of copy of counterclaim, and the claim and counterclaim shall be heard together:	
	Provided that if the Tribunal is satisfied that any party was prevented by sufficient cause from filing its statement of defence or counterclaim within the said period, it may allow such further period as it considers fit:	
	Provided further that if the Tribunal determines that the application is frivolous or vexatious, it may summarily reject such application after recording its reasons.	
Preliminary hearing by Tribunal.	20. Upon filing of the statement of defence and counterclaim, if any, by the respondent, and filing of its defence to the counterclaim, if any, by the applicant, in accordance with section 19, the Tribunal shall conduct a preliminary hearing wherein it shall, decide any objections as to jurisdiction of the Tribunal and upon being satisfied that it has jurisdiction to entertain the application and there is cause of action;-	
	(a) refer the dispute to an arbitral tribunal in accordance with the provisions of sub-sections (2) to (4) of section 24 in case the resolution thereof requires the parties to lead oral evidence or the documentary evidence on record is voluminous or the issues to be decided are multiple and complex;	
	or	
	(b) admit the application and adjudicate upon it by	

	<p>passing a final order in case it is satisfied that the dispute is of a nature which can be summarily decided in a short hearing and more effectively and expeditiously by itself:</p>	
	<p>Provided that any objection in respect of jurisdiction or a failure to disclose a cause of action or limitation shall not be entertained after the reference to arbitration has been made under clause (a) or the application has been admitted under clause (b).</p>	
Limitation.	<p>21. (1) The Tribunal shall not admit an application in a case where two years have elapsed after the accrual of the cause of action to the applicant:</p>	
	<p>Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding one hundred and eight days:</p>	
	<p>Provided further that where any such cause of action arose prior to the commencement of this Act, the limitation period specified in the Limitation Act, 1963 shall apply.</p>	36 of 1963.
	<p>(2) Notwithstanding anything contained in sub-section (1), where –</p>	
	<p>(a) the dispute in respect of which an application is made had arisen by reason of any order made by a public authority, court or tribunal at any time during the period of two years immediately preceding the date on which the jurisdiction, powers and authority of the Tribunal becomes exercisable under this Act in respect of the matter to which such order relates; and</p>	
	<p>(b) no proceedings for the resolution of such dispute had been commenced before the said date before any High Court,</p>	
	<p>the application shall be entertained by the Tribunal if it is made within the period referred to in sub-section (1) or within a period of one hundred and eighty days from the said date, whichever is later.</p>	
	<p>(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), an application may be admitted after the period of one hundred and eighty days specified in sub-section (2), if the applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period.</p>	
Appeal against order of preliminary rejection.	<p>22. Any person aggrieved by an order rejecting his application upon preliminary enquiry or hearing under the provisions of sections 19, 20 or 21, may prefer an appeal</p>	

	before a larger Bench of the Tribunal comprising of three Members, not being Members who passed the order being appealed against, and an order passed on such appeal shall be deemed to be a final order of the Tribunal.	
Procedure and powers of Tribunal.	23. (1) The Tribunal shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 and the provisions of the Indian Evidence Act, 1872 but shall be guided by the principles of natural justice and fairness and, subject to the other provisions of this Act and of any rules made thereunder, the Tribunal shall have powers to regulate its own procedure.	5 of 1908. 1 of 1872.
	(2) The Tribunal shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely:-	5 of 1908.
	(a) summoning and enforcing the attendance of any person and examining him on oath;	
	(b) requiring the discovery and production of documents;	
	(c) receiving evidence on affidavits;	
	(d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872 requisitioning any public record or document or copy of such record or document from any office;	1 of 1872.
	(e) issuing commissions for the examination of witnesses or documents;	
	(f) recording of evidence, where necessary, before an officer of the Tribunal;	
	(g) reviewing its decisions;	
	(h) dismissing an application for default or deciding it <i>ex parte</i> ;	
	(i) setting aside any order of dismissal of any application for default or any order passed by it <i>ex parte</i> ;	
	(j) all the powers under the Code of Civil Procedure, 1908 for enforcement of decrees; and	5 of 1908.
	(k) any other matter which may be prescribed.	
	(3) All proceedings before the Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code and the Tribunal shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973.	45 of 1860. 2 of 1974.
	(4) The Tribunal shall have all the powers exercised by a court under the Arbitration and Conciliation Act, 1996 in relation to the arbitral proceedings and the award made	26 of 1996.

	therein, and shall have all the other powers conferred by that Act.	
	(5) The Tribunal shall by regulations specify the period and manner in which the cases shall be heard by it including pre-trial case management conference, the reasons that may qualify for an adjournment during the course of proceedings and such other matters as may be necessary or expedient for completion of the proceedings within the period specified in section 36.	
	(6) The Tribunal shall adopt and use computerisation, e-filing, e-mailing, audio and video facilities or such other methodologies and technologies as may be necessary for improving the economy, efficiency and transparency of the proceedings before the Tribunal, including issuance of summons, notices and other communications.	
	(7) The Tribunal may, in case it is satisfied that the resolution of a dispute brought to it in an application is likely to affect any person other than the parties impleaded in the application, direct the addition of all necessary parties to the dispute.	
Reference to arbitral tribunal.	24. (1) The Tribunal may with the written consent of the parties to a dispute, refer such dispute to an arbitral tribunal in accordance with clause (a) of section 20 irrespective of the fact-	
	(a) that the public contract giving rise to the dispute does not contain an arbitration agreement; or	
	(b) that the arbitration agreement in the public contract is not covered under the provisions of this Act.	
	(2) Disputes involving a claim of less than five crore rupees or such higher limit as may be prescribed, shall be referred to the arbitration of a sole arbitrator, and all other disputes shall be referred to an arbitral tribunal consisting of three arbitrators of whom one each shall be nominated by the respective parties, and the third member-cum-chairperson shall be nominated by the Tribunal, in the manner specified in the second proviso to this sub-section:	
	Provided that if any party fails to nominate an arbitrator within a period of twenty one days from the date of the order making a reference to an arbitral tribunal, such arbitrator shall be nominated by the Tribunal in the manner specified in the second proviso:	
	Provided further that the appointment of a single arbitrator or the member-cum-chairperson of the arbitral tribunal, as the case may be, shall be undertaken by a random selection method as may be specified by the regulations:	
	Provided also that the appointment of an arbitrator shall	

	take effect only after communication of acceptance by the person so appointed accompanied by a declaration in such form and manner as may be specified by regulations, that he is not encumbered by any conflict of interest and shall be able to act impartially in the case and in the event any party challenges such declaration, the arbitral tribunal shall pass a reasoned order thereon before proceeding further with the arbitral proceedings.	
	(3) The Tribunal shall, while passing the order of reference for arbitration, frame the issues on which the parties are in dispute and the issues so framed shall constitute the terms of reference for the arbitral tribunal, on which it shall give the arbitral award:	
	Provided that the Tribunal may, if deemed necessary in the interest of justice, suo moto or upon application by a party to the dispute, frame supplementary issues and refer them to the arbitral tribunal for award.	
	(4) In the order of reference made under sub-section (1), the Tribunal shall indicate the class of arbitrators who shall constitute the arbitral tribunal and the Tribunal may permit the arbitral tribunal to engage such experts as it may deem fit from the panel referred to in section 30.	
Empanelment of arbitrators.	25. (1) For appointment of arbitrators to conduct the arbitral proceedings referred to in section 24, the Tribunal shall by regulations provide for-	
	(a) the preparation and maintenance of a panel of arbitrators which shall include persons from judicial or legal background, and may include persons with special knowledge and experience of public administration and public contracts;	
	(b) the qualifications and experience for empanelment as an arbitrator and different qualifications and experience may be fixed for different grades and classes of arbitrators;	
	(c) the hierarchy and grade of arbitrators for dealing with disputes of different values;	
	(d) scales of lumpsum fee payable to arbitrators in different grades and classes;	
	(e) the nature and maximum number of cases that may be referred to an arbitrator during a specified period;	
	(f) removal of an arbitrator from the panel of arbitrators for not adhering to the time schedule specified under the regulations or for receiving payments in excess of the scales of fee specified under the regulations or for any other material violation of the regulations.	
	(2) The panel of arbitrators shall be notified by the	

	Tribunal on its website, along with particulars in respect of each arbitrator, and shall also be recorded in a register of arbitrators to be kept at the Tribunal for inspection by any person during working hours and any person may, by affidavit, file objections against empanelment of any arbitrator, but only on the grounds specified in sub-section (2) of section 10 and such objections shall be enquired into and dealt with in accordance with the regulations made by the Tribunal.	
Arbitral proceedings.	26. (1) The Tribunal shall by regulations, provide for,-	
	(a) conduct of arbitral proceedings by the arbitral tribunal and matters connected therewith;	
	(b) time-bound procedure for holding the arbitral proceedings providing therein that the final award is made without any undue delay and within the time specified therein;	
	(c) place where arbitral proceedings shall be conducted and the language of arbitral proceedings.	
	(2) The arbitral tribunal shall conduct arbitral proceedings in accordance with the procedure specified in the regulations.	
	(3) In conducting the arbitral proceedings, the arbitral tribunal shall, subject to the provisions of sub-sections (1) and (2), follow the rules of procedure specified in the Arbitration and Conciliation Act, 1996 and exercise all the powers specified therein.	26 of 1996.
Settlement during course of proceedings.	27. (1) In every proceeding before the Tribunal or an arbitral tribunal, as the case may be, an endeavour shall be made by the Tribunal or the arbitral tribunal, where it is possible so to do consistent with the nature and circumstances of the case, to assist the parties in arriving at a settlement in respect of the subject matter of the proceedings.	
	(2) If, in any such proceedings, at any stage it appears to the Tribunal or the arbitral tribunal, as the case may be, that there is a reasonable possibility of a settlement between the parties, it may adjourn the proceedings for such period as it thinks fit to enable attempts to be made to effect such a settlement.	
	(3) If, during arbitral proceedings, the parties settle the dispute, the arbitral tribunal shall terminate the proceedings and, if requested by the parties and not objected to by the arbitral tribunal, record the settlement in the form of an arbitral award on agreed terms.	
	(4) An arbitral award on agreed terms shall be made in accordance with section 29 and shall state that it is an	

	arbitral award.	
	(5) An arbitral award on agreed terms shall have the same status and effect as any other arbitral award on the substance of the dispute.	
	(6) The power conferred by sub-section (2) shall be in addition to, and not in derogation of, any other power of the Tribunal or the arbitral tribunal, as the case may be, to adjourn the proceedings.	
Timely conclusion of arbitral proceedings.	28. (1) The arbitral tribunal shall, as far as may be, conduct day-to-day hearings and make an arbitral award not later than one hundred and twenty days from the date on which the dispute was referred to it:	
	Provided that the Tribunal may, on a request from the arbitral tribunal containing the reasons for such extension, extend the said period of one hundred and twenty days for a further period not exceeding thirty days at a time subject to a total limit of ninety days.	
	(2) The arbitral tribunal shall submit periodic reports to the Tribunal on the progress of arbitral proceedings in such form and at such intervals as may be specified by regulations.	
	(3) If the arbitral tribunal is unable to conclude the arbitral proceedings within the period specified in sub-section (1), or if the Tribunal is satisfied that the arbitral tribunal is not dealing with the arbitral proceedings expeditiously, it may either replace the member-cum-chairperson of the arbitral tribunal or any of the arbitrators, or all arbitrators or it may supersede the arbitral proceedings and transfer the matter to another arbitral tribunal constituted in accordance with the provisions of sub-section (2) of section 24 to conduct the proceedings <i>de novo</i> :	
	Provided that where such member-cum-chairperson or arbitrator or all arbitrators are replaced, they shall be barred from nomination to any arbitral tribunal that may be constituted within a period of one year from the date of such replacement.	
Arbitral awards.	29. (1) An arbitral award shall be made on all issues referred to it, in writing and shall be signed by the members of the arbitral tribunal.	
	(2) The arbitral award shall state the reasons upon which it is based, unless-	
	(a) the parties have agreed that no reasons are to be given; or	
	(b) the award is an arbitral award on agreed terms under section 27.	
	(3) The arbitral award shall state its date and the place of arbitration as determined in accordance with the regulations and the award shall be deemed to have been made at that place.	

	(4) After the arbitral award is made, a signed copy shall be delivered to each party and also sent to the Tribunal, without delay, by registered post with acknowledgment due.	
Engagement of experts.	30. (1) For providing expert opinion on matters before it or before any arbitral tribunal constituted under this Act, the Tribunal may by regulations provide for,-	
	(a) preparation and maintenance of a panel of experts which shall include persons qualified and experienced in technical, financial or other aspects of public contracts;	
	(b) the qualifications and experience for empanelment as an expert and different qualifications and experience may be fixed for different grades and classes of experts ;	
	(c) the hierarchy and grade of experts for dealing with disputes of different values;	
	(d) scales of fee payable to experts in different grades and classes;	
	(e) such other matters as the Tribunal may deem fit.	
	(2) The Tribunal or arbitral tribunal, as the case may be, may-	
	(a) upon request of any party or suo moto, appoint one or more experts from the panel of experts to report to it on specific issues to be determined by the Tribunal or arbitral tribunal, as the case may be;	
	(b) require a party to give the expert any relevant information or to produce or to provide access to, any relevant documents, goods or other property for his inspection.	
	(3) Unless otherwise agreed by the parties, if a party so requests or if the Tribunal or arbitral tribunal, as the case may be, considers it necessary, the expert shall, after delivery of his written or oral report, participate in an oral hearing where the parties have the opportunity to put questions to him and to present expert witnesses in order to testify on the points at issue.	
	(4) Unless otherwise agreed by the parties, the expert shall, on the request of a party, make available to that party for examination, all documents, goods or other property in the possession of the expert with which he was provided in order to prepare his report.	
Assistance of legal practitioner and presenting officers.	31. (1) A person making an application under this Act may either appear in person or take the assistance of a legal practitioner of his choice to present his case before the Tribunal or the arbitral tribunal, as the case may be.	
	(2) The public authority to which the provisions of	

	sub-section (1) of section 16 apply, may authorise one or more legal practitioners or any of its officers to present its case before the Tribunal or the arbitral tribunal, as the case may be, and every person so authorised may present its case with respect to any application before the Tribunal or the arbitral tribunal, as the case may be.	
Interim orders.	32. (1) The arbitral tribunal may, at any time during the arbitral proceedings, make an interim order or award on any matter with respect to which it may make a final award and no interim order or award of the arbitral tribunal shall be appealable before the Tribunal unless the Tribunal grants special leave to appeal on being satisfied that such interim order or award is perverse and is likely to cause irreparable damage to the party against whom it operates:	
	Provided that any party aggrieved by the final award of the arbitral tribunal and moving the Tribunal for setting aside such final award shall be at liberty to challenge any interim order or award that may have a bearing on the final award.	
	(2) Notwithstanding anything contained in any other provision of this Act or in any other law for the time being in force, but subject to the provisions of sub-section (3), the Tribunal shall have the power of making interim orders, but no interim order, whether by way of injunction or stay or in any other manner, shall be made on, or in any proceedings relating to, an application unless –	
	(a) copies of such application and of all documents in support of the plea for such interim order are furnished to the party against whom such application is made or proposed to be made; and	
	(b) opportunity is given to such party to be heard in the matter, where the Tribunal is satisfied that it is not possible or expedient to grant such opportunity:	
	Provided that before making an interim order, the Tribunal shall give due consideration to additional costs, delays and safety hazards that may arise from such order and shall make appropriate provision for the same.	
	(3) A party may, before, or during the proceedings before the Tribunal or at any time after the making of the final order but before it is enforced in accordance with section 39, apply to the Tribunal for an interim measure of protection in respect of any of the following matters, namely:–	
	(a) the preservation, interim custody or sale of any goods which are the subject-matter of the dispute;	
	(b) securing the amount in dispute;	
	(c) the detention, alienation, preservation or inspection of any property or thing which is the subject-matter of the dispute, or as to which any	

	question may arise therein and authorising for any of the aforesaid purposes any person to enter upon any land or building in the possession of any party, or authorising any samples to be taken or any observation to be made, or experiment to be tried, which may be necessary or expedient for the purpose of obtaining full information or evidence;	
	(d) the appointment of a receiver in respect of the whole or part of the assets comprising a public contract, not being a contract for <u>public private partnership</u> ;	
	(e) such other interim measure of protection as may appear to the Tribunal to be just and convenient,	
	and the Tribunal shall have the same power for making orders as it has for the purpose of, and in relation to, any proceedings before it.	
	(4) The Tribunal may, after giving the applicant and the respondent an opportunity of being heard, pass such interim order, including an order for payment of interest from the date on or before which payment of the amount is found due up to the date of realisation or actual payment, as it thinks fit to meet the ends of justice.	
	(5) No interim order made under this section shall be valid or applicable for more than sixty days, unless substituted earlier by a final order of the Tribunal:	
	Provided that the Tribunal may, for reasons to be recorded, extend the period of such interim order.	
	(6) The Tribunal may require the party seeking an interim order to provide such undertaking, bank guarantee or other security, as it may deem fit, to defray the costs that the other party may incur on account of such interim order, and shall pass such orders, as respects such undertaking, guarantee or security, as the case may be, upon expiry of the interim order, as it may deem fit.	
	(7) The Tribunal may, in the case of disobedience of any interim order made under this section or breach of any of the terms on which the interim order was granted, order the property of the person guilty of such disobedience or breach to be attached.	
	(8) No attachment made under sub-section (7) shall remain in force for more than six months at the end of which time, if the disobedience or breach continues, the property attached may be sold and out of the proceeds, the Tribunal may award such compensation as it thinks fit to the injured party and shall pay the balance, if any, to the party entitled thereto.	
	(9) Where a dispute is referred by the Tribunal to an arbitral tribunal under section 20 or section 24, the arbitral	

	tribunal shall have the same powers in respect of interim orders as are conferred on the Tribunal under this section:	
	Provided that the arbitral tribunal shall not have the power to vacate or modify an interim order passed by the Tribunal.	
Power of Chairperson to transfer cases from one Bench to another.	33. (1) The Tribunal may by regulations, make provisions as to the distribution of the business of the Tribunal amongst the Benches by the Chairperson and specify the matters which may be dealt with by each Bench.	
	(2) If any question arises as to whether any matter falls within the purview of the business allocated to a Bench, the decision of the Chairperson thereon shall be final.	
	<i>Explanation.-</i> For the removal of doubts, it is hereby declared that the expression "matters" include applications made under section 18.	
	(3) On the application of any of the parties and after notice to the parties, and after hearing such of them as he may desire to be heard, or on his own motion without such notice, the Chairperson may transfer any case pending before one Bench, for disposal, to any other Bench.	
Final hearing by Tribunal.	34. (1) The arbitral award made by an arbitral tribunal shall be submitted to the Tribunal for hearing and in case the parties accept the award, the Tribunal may, if it has no objection, confirm such award and issue an order to this effect.	
	(2) In case any party files objections to the arbitral award, the Tribunal shall hear the matter in accordance with the provisions of this Act and pass such order as it deems fit.	
	(3) Recourse against an arbitral award shall be sought only by an application for setting aside such award in accordance with sub-section (4).	
	(4) An arbitral award may be set aside by the Tribunal only if-	
	(a) the party making the application furnishes proof that-	
	(i) a party was under some incapacity; or	
	(ii) the arbitral proceedings were not conducted in accordance with the provisions of this Act and the rules or regulations made thereunder; or	
	(iii) the arbitral award deals with a dispute not contemplated by the terms of reference framed by the Tribunal, or it contains decisions on matters beyond such terms of reference:	
	Provided that where matters within the terms of reference are severable from those that fall outside the terms of reference, only that part of the award which lies beyond	

	the terms of reference may be set aside; or	
	(b) the Tribunal is satisfied that the award is illegal; or	
	(c) the Tribunal is satisfied that there is a patent error apparent on the face of record.	
	(5) Where the case is due for final hearing, the Tribunal shall require the parties to submit written arguments not later than one week prior to the date fixed for hearing oral arguments, in such form and manner as may be specified by regulations.	
	(6) Unless the Tribunal directs otherwise, each party shall be allowed such time as may be specified by regulations for oral arguments and any request for additional time to argue shall be presented by an appropriate motion, to be considered by the Tribunal prior to the date of oral arguments, and shall set out concisely why the case cannot be presented within the specified time:	
	Provided that such time limit shall not apply to oral examination of witnesses where necessary:	
	Provided further that the Tribunal may impose exemplary costs in cases where the oral hearing exceeds the time so specified.	
	(7) Only one counsel shall be heard for each side, except by leave of the Tribunal on motion to be considered prior to the date of oral arguments and any request for divided arguments shall set out specifically and concisely why more than one counsel should be allowed to argue.	
Decision to be by majority.	35. If the Members of a Bench differ in opinion on any point, they shall state the point or points on which they differ, and make a reference to the Chairperson who shall either hear the point or points himself or refer the case for hearing on such point or points by one or more of the other Members of the Tribunal and such point or points shall be decided according to the opinion of the majority of the Members who have heard the case, including those who first heard it.	
Time limit for final order.	36. (1) Every order or decision of the Tribunal shall, as far as practicable, be made within twenty-one working days from the date of conclusion of final arguments.	
	(2) Every final order of the Tribunal in respect of any application made under sub-section (1) of section 18 shall, as far as practicable, be made within one hundred and eighty days from the date of that application and in the event of delay, the Tribunal may by a written order extend this period by fifteen days at a time and conduct day-to-day hearings, as far as practicable, to complete the proceedings.	
Finality of orders.	37. Save as provided in sections 17 and 43, an order of the Tribunal shall be final and binding on the parties and on persons claiming under them respectively.	

Correction and interpretation of award and order.	38. (1) Within thirty days from the receipt of the arbitral award or order of the Tribunal,-	
	(a) a party, with notice to the other party, may request the arbitral tribunal or the Tribunal, as the case may be, to correct any clerical, typographical or arithmetical mistakes, or errors arising from any accidental slip or omission in the arbitral award or the order of the Tribunal;	
	(b) a party, with notice to the other party, may request to the arbitral tribunal or the Tribunal to give an interpretation of a specific point or part of the arbitral award or order of the Tribunal.	
	(2) If the arbitral tribunal or the Tribunal, as the case may be, considers the request made under sub-section (1) to be justified, it shall make the correction or give the interpretation within thirty days from the receipt of the request and the interpretation shall form part of the arbitral award or the order.	
	(3) Within thirty days of the passing of the order, the Tribunal may on its own motion, correct any clerical, typographical or arithmetical mistakes, or errors arising from any accidental slip or omission in the order.	
Enforcement of orders of Tribunal.	39. (1) The final order passed by the Tribunal under this Act shall be executable in the same manner as a decree of a civil court, under the provisions of the Code of Civil Procedure, 1908.	5 of 1908.
	(2) Notwithstanding anything contained in sub-section (1), the Tribunal may transmit any order made by it to a civil court having local jurisdiction and such civil court shall execute the order as if it were a decree made by that court.	
Punishment for non-compliance with order of Tribunal.	40. If any person wilfully fails to comply with an order of the Tribunal, passed under this Chapter, he shall be punishable with fine which may extend to two lakh rupees and, in the case of a second or subsequent offence, with fine which may extend to ten lakh rupees and in the case of a continuing failure, with an additional fine which may extend to twenty thousand rupees for every day during which such failure continues.	
Offences by companies.	41. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:	
	Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was	

	committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.	
	(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.	
	<i>Explanation.</i> - For the purposes of this section-	
	(a) "company" means any body corporate and includes a firm or other association of individuals; and	
	(b) "director" means a whole-time director in the company and in relation to a firm, means a partner in the firm.	
Interest and costs of adjudication.	42. (1) Unless otherwise agreed by the parties, where and insofar as an arbitral award or order of the Tribunal is for the payment of money, the arbitral tribunal or the Tribunal, as the case may be, may include in the sum for which the award or the order is made, interest, at such rate as it deems reasonable on the whole or any part of the money, for the whole or any part of the period between the date on which the cause of action arose and the date on which the arbitral award or order is made.	
	(2) An arbitral award or order made by the arbitral tribunal or the Tribunal shall carry interest at a rate equal to five per cent. above the bank rate notified by the Reserve Bank of India and shall be payable from the date of the arbitral award or the order, as the case may be, till the date on which the payment is made:	
	Provided that for reasons to be recorded in writing, the arbitral tribunal or the Tribunal, as the case may be, may reduce the rate of interest to such extent as it may specify in its order.	
	(3) Unless otherwise agreed by the parties and save as otherwise determined by the arbitral tribunal or the Tribunal, as the case may be, for reasons to be recorded in writing, the costs incurred by the parties to a dispute shall be borne solely by the party against whom an arbitral award or order is made, by the arbitral tribunal or the Tribunal, as the case may be:	
	Provided that the fees payable to the arbitrators and the incidental expenses of the arbitral proceedings shall be borne equally by the parties to the proceedings, unless directed otherwise by the arbitral tribunal.	
	(4) In the event it is determined by the Tribunal that an	

	application made to it was vexatious, the Tribunal may award upto three times the costs incurred by the affected party.	
	<i>Explanation.-</i> For the purposes of sub-section (3) and sub-section (4), "costs" means reasonable costs relating to-	
	(i) the fees and expenses of the arbitrators, experts and witnesses;	
	(ii) legal fees and expenses;	
	(iii) any administration fees of the Tribunal and arbitral tribunal; and	
	(iv) any other expenses incurred in connection with the proceedings, award and order.	
Appeal to Supreme Court.	43. Any person aggrieved by the final order of the Tribunal may file an appeal to the Supreme Court within sixty days from the date of grant of leave to appeal, by the Tribunal, under section 44:	
	Provided that the Supreme Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within such further period as it considers fit:	
	Provided further that unless otherwise directed by the Supreme Court, the person filing an appeal shall pay one half of the sum specified in the order of the Tribunal, against which the appeal is made, in such manner and to such person as may be specified in that order.	
Leave to appeal.	44. (1) An appeal shall lie to the Supreme Court from the final order of the Tribunal with the leave of the Tribunal, and such leave shall not be granted unless it is certified by the Tribunal that the case involves a substantial question of law of general importance or if in the opinion of the Tribunal the said question needs to be decided by the Supreme Court.	
	(2) An application to the Tribunal for leave to appeal to the Supreme Court shall be made within a period of thirty days from the date of the passing of the final order by the Tribunal.	
	CHAPTER V MISCELLANEOUS	
Transfer of pending cases.	45. (1) Every suit or other proceeding pending before any court including a High Court, or other authority, or arbitral tribunal immediately before the date of constitution of the Tribunal under this Act, being a suit or proceeding, the cause of action whereon it is based is such that it would have been, if it had arisen after such constitution, within the jurisdiction of such Tribunal, shall stand transferred on that date to such Tribunal:	
	Provided that the provisions of this section shall not apply to any writ petition pending in a High Court under articles 226 and 227 of the Constitution:	

	<p>Provided further that where arbitral proceedings have commenced and the arbitral tribunal determines, with the consent of the parties to such proceedings, that the proceedings shall conclude within one hundred and eighty days of the commencement of this Act, such arbitral proceedings may continue notwithstanding the provisions of this Act and the arbitral award made therein shall be dealt with in accordance with the provisions of section 34.</p>	
	<p>(2) Where any suit or other proceeding stands transferred from any court including a High Court, or other authority, or arbitral tribunal, to the Tribunal under sub-section (1),-</p>	
	<p>(a) the court including a High Court, or other authority or arbitral tribunal shall, as soon as may be after such transfer, and not later than eight weeks after such transfer, forward the records of such suit or other proceeding to the Tribunal; and</p>	
	<p>(b) the Tribunal may, on receipt of such records, proceed to deal with such suit or other proceeding, so far as may be, in the same manner as in the case of an application under section 18, from the stage which was reached before such transfer or from any earlier stage or <i>de novo</i> as the Tribunal may deem fit.</p>	
Provisions for filing of certain appeals.	<p>46. Where any decree or order has been made or passed by any court, other than a High Court, or any other authority or arbitral tribunal in any suit or proceeding before the establishment of the Tribunal, being a suit or proceeding, the cause of action whereon it is based is such that it would have been, if it had arisen after such establishment, within the jurisdiction of such Tribunal, and no appeal has been preferred against such decree or order before such establishment and the time for preferring such appeal under any law for the time being in force had not expired before such establishment, such appeal shall lie to the Tribunal, within ninety days from the date on which the Tribunal is established, or within ninety days from the date of receipt of the copy of such decree or order, whichever is later.</p>	
Members and staff of Tribunal to be public servants.	<p>47. The Chairperson and other Members and the officers and other employees provided under section 14 to the Tribunal shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.</p>	45 of 1860.
Protection of action taken in good faith.	<p>48. No suit, prosecution or other legal proceeding shall lie against the Central Government or State Government or against the Chairperson, or other Member of the Tribunal, or any other person authorised by such Chairperson, or other Member for anything which is in good faith done or intended to be done in pursuance of this Act or any rule, regulation or order made thereunder.</p>	

Expenditure on the Tribunal.	49. (1) All expenditure incurred by the Tribunal in discharge of its duties and functions under this Act shall be charged upon the Consolidated Fund of India:	
	Provided that such expenditure shall be incurred in accordance with the applicable financial rules of the Central Government.	
	(2) All expenditure of the Tribunal shall be audited by the Comptroller and Auditor General of India.	
Act to have overriding effect.	50. (1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.	
	(2) The provisions of the Arbitration and Conciliation Act, 1996 shall not apply to the arbitral proceedings under this Act, except and insofar as provided under this Act.	26 of 1996.
Power to remove difficulties.	51. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:	
	Provided that no such order shall be made after the expiry of the period of three years from the date of commencement of this Act.	
	(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.	
Power of Central Government to make rules.	52. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.	
	(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—	
	(a) the procedure to be followed in conducting an inquiry for removal of the Chairperson, Vice-Chairperson or Member, under sub-section (4) of section 10;	
	(b) the salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson, Vice-Chairperson and other Members, under sub-section (1) of section 11;	
	(c) the form and manner in which and the authority before whom oath of office and secrecy shall be made, under sub-section (2) of section 11;	
	(d) the administrative and financial powers which the Chairperson may exercise, under sub-section (1) of section 13;	
	(e) the administrative and financial powers which the Vice-Chairperson may exercise, under sub-section (2) of section 13;	

	(f) the manner of appointment, salaries and allowances and other terms and conditions of service of the officers and other employees of the Tribunal, under sub-section (3) of section 14;	
	(g) disputes which involve lower amounts in any class or classes of cases, under clause (b) of sub-section (2) of section 16;	
	(h) the fee payable, under sub-section (3) of section 18;	
	(i) any other matter in respect of which the Tribunal may exercise the powers of a civil court, under clause (k) of sub-section (2) of section 23;	
	(j) the financial limit in respect of disputes to be referred to an arbitral tribunal comprising a single arbitrator, under sub-section (2) of section 24; and	
	(k) any other matter which is required to be, or may be, prescribed.	
Powers of Tribunal to make regulations.	53. (1) The Tribunal may, by notification make regulations consistent with this Act and the rules made thereunder to carry out the provisions of this Act.	
	(2) The regulations shall be made by a collegium comprising the Chairperson, Vice-Chairpersons and two senior most Members of the Tribunal and Benches thereof situated at the principal seat of the Tribunal and all matters placed before such collegium shall be decided according to the opinion of the majority of such collegium, and if the collegium is equally divided, the Chairperson shall have a second or casting vote.	
	(3) In particular and without prejudice to the generality of the power contained in sub-section (1), such regulations may provide for all or any of following matters, namely:-	
	(a) the case or cases which shall be decided by a Bench composed of more than two Members, under clause (e) of sub-section (4) of section 4;	
	(b) the remuneration payable to persons engaged on contract basis, under second proviso to sub-section (4) of section 14;	
	(c) manner of giving the opportunity of being heard, under second proviso to section 15;	
	(d) the form in which an application may be made and the documents and other evidence by which such application shall be accompanied, under sub-section (2) of section 18;	
	(e) the period and manner of hearing of cases, under sub-section (5) of section 23;	

	(f) the method of appointment of a single arbitrator or the member-cum-chairperson of the arbitral tribunal, under second proviso to sub-section (2) of section 24;	
	(g) the form and manner in which a declaration relating to conflict of interest and impartiality shall be given, under third proviso to sub-section (2) of section 24;	
	(h) the preparation and maintenance of a panel of arbitrators, under clause (a) of sub-section (1) of section 25;	
	(i) the qualifications and experience for empanelment as an arbitrator and the grading of such arbitrators, under clause (b) of sub-section (1) of section 25;	
	(j) the hierarchy and grade of arbitrators, under clause (c) of sub-section (1) of section 25;	
	(k) scales of fee payable to arbitrators in different grades and classes, under clause (d) of sub-section (1) of section 25;	
	(l) the nature and maximum number of cases that may be referred to an arbitrator during a period, under clause (e) of sub-section (1) of section 25;	
	(m) the removal of an arbitrator from the panel of arbitrators, under clause (f) of sub-section (1) of section 25;	
	(n) the procedure for enquiring into and dealing with objections, under sub-section (2) of section 25;	
	(o) conduct of arbitral proceedings by the arbitral tribunal and matters connected therewith, under clause (a) of sub-section (1) of section 26;	
	(p) the time-bound procedure for holding the arbitral proceedings, under clause (b) of sub-section (1) of section 26;	
	(q) place where arbitral proceedings shall be conducted and the language of arbitral proceedings under clause (c) of sub-section (1) of section 26;	
	(r) the procedure for conduct of arbitral proceedings by the arbitral tribunal, under sub-section (2) of section 26;	
	(s) the form and frequency of progress reports on the arbitral proceedings, under sub-section (2) of section 28;	
	(t) preparation and maintenance of a panel of experts, under clause (a) of sub-section (1) of section 30;	
	(u) the qualifications and experience for	

	empanclement as an expert, under clause (b) of sub-section (1) of section 30;	
	(v) the hierarchy and grade of experts under clause (c) of sub-section (1) of section 30;	
	(w) scales of fee payable to experts in different grades and classes under clause (d) of sub-section (1) of section 30;	
	(x) the form and manner in which the written arguments are to be submitted, under sub-section (5) of section 34;	
	(y) time for oral arguments before the Tribunal, under sub-section (6) of section 34;	
	(z) any other matter which is to be, or may be specified by regulations.	
	(4) All regulations made by the Tribunal under this Act shall be subject to the condition of previous publication.	
Rules and regulations to be laid before Parliament.	54. Every rule made by the Government and, every regulation made by the Tribunal shall be laid, as soon as may be after it is made, before each House of the Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, as the case may be, or both Houses agree that the rule or regulation, as the case may be, should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.	
