



भांडागारण विकास और विनियामक प्राधिकरण
भारत सरकार



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Government of India
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Office Order

Guidelines and Procedure for Empanelment of Arbitrator(s) in the Warehousing Development and Regulatory Authority

Section 35(2)(l) of Warehousing (Development & Regulations) Act, 2007 (hereinafter referred to as "the Act") provides for the Authority to maintain a panel of arbitrators and to nominate arbitrators from such panel in disputes between warehouses registered under the Act and warehouse receipt holders. In pursuance to this provision, the Authority has issued Guidelines on the Redress of Grievances and Resolution of Disputes, 2017, on 06th December, 2017. The Authority has also developed and deployed a Grievance Redressal module on WDRA web portal for online grievance submission and further redressal process.

In view of the above, the Authority has to maintain a panel of Arbitrators to be nominated for resolution of dispute between holder of warehouse receipt and warehouseman, as provided in the Guidelines on the Redress of Grievances and Resolution of Disputes.

The empanelment of Arbitrator(s) in the Warehousing Development and Regulatory Authority (WDRA) shall henceforth be regulated as per the following guidelines:-

1. Condition for empanelment of Arbitrator(s) :-

- (i) Arbitrator(s) are to be engaged for a fixed period and after expiry of the empanelment period, the empanelled persons can apply for renewal of empanelment by submitting a fresh application.
- (ii) Arbitrator(s) are required to have knowledge and expertise in relevant area such as finance, banking, warehousing, agriculture, commodity exchange, etc. and should have handled cases relating to these areas.
- (iii) The empanelment of Arbitrator(s) is of a temporary (non-official) nature and the empanelment can be cancelled at any time by the WDRA without assigning any reason.

2. Eligibility:

- (i). Following persons shall be eligible for empanelment as an arbitrator with WDRA subject to fulfillment of other terms and conditions specified in these Guidelines:
 - a) Advocate (within the meaning of the Advocates Act, 1961) having minimum ten years of practice experience as an advocate with specialization in the field of commercial and arbitration laws; or
 - b) A retiree of Central/State Government or Central/State PSEs or Statutory/Autonomous bodies having law degree and 25 years of experience in legal matters retiring from a post of pay level 14 or above or an equivalent pay level, or
 - c) A retiree of Central/State Government or Central/State PSEs or Statutory/Autonomous body having experience of senior level administration or management retiring from a post of pay level 14 or above or an equivalent pay level and having experience of more than two years in adjudication, or
 - d) A retired Judge of either the Hon'ble Supreme Court; or, a Judge of one of the Hon'ble High Courts; or, a Judge of the District Courts who has held a position not less than an Additional District Judge during his service;
 - e) Any person having educational qualification at degree level with fifteen years of professional experience in any field relating to Finance, Warehousing, Agriculture, Banking or other like specialized areas of which at least three years will be in consultation or such experience with any Government, Autonomous Body or Public Sector Undertaking as the case may be;
- (ii) Age of applicant shall not be more than 67 years at the time of date of advertisement.
- (iii). Applicant under point (a) above shall have the experience of handling at least three arbitration cases in any field, preferably, relating to finance, banking, warehousing, agriculture, etc. as an arbitrator.
- (iv). No vigilance / disciplinary case should be pending against them at the time of superannuation and no minor or major penalty should have been imposed on the applicant in any vigilance / disciplinary case during his/her entire career.
- (v). The applicant should not be employed / engaged on full time basis anywhere at the time of application.
- (vi). The applicant should be physically and mentally fit.
- (vii). The applicant should not have been convicted or facing criminal prosecution.

3. Tenure of empanelment :

The empanelment shall be valid for a maximum period not exceeding five years or upto the age of 72 years or further instructions whichever is earlier.

4. Methodology:- Procedure to be followed for selection for empanelment of Arbitrator(s):-

- (i) The exercise of empanelment of arbitrators shall be done as and when WDRA intends to empanel Arbitrators.
- (ii) Advertisement for inviting applications for empanelment of Arbitrator(s) will be published in Employment News and one national newspaper, both in English and Hindi, and also placed on WDRA website and CPPP portal.
- (iii) All the applications received in response to the advertisement will be screened by a Screening Committee to be formed for the purpose. The screening committee will comprise of DD/AD legal and such other officers as nominated by the Chairperson WDRA.
- (iv) The report of Screening Committee will be put up before a Selection Committee comprising a Member nominated by the Chairperson WDRA, Addl. Secretary / Joint Secretary WDRA and a Director nominated by the Chairperson WDRA.
- (v) The recommendations of the Selection Committee will be submitted to the Chairperson WDRA who will take a final decision in this regard.

5. Arbitration fee:-

- (i) The Arbitration fee shall be as provided in the Guidelines on the Redress of Grievances and Resolution of Disputes issued by WDRA and amendments made therein time-to-time.
- (ii) Other expenses will be reimbursed on the basis of actual bills subject to the prescribed ceiling specified in the table below:

| Types of Expense | Admissibility |
|--|---|
| a) Travelling Expenses for outstation Arbitrators | Economy Class (by air), First Class AC (by train) and AC Car (by road) |
| b) Lodging and Boarding for outstation Arbitrators | Lodging, Boarding and Travel Expenses shall be allowed for those members who are residing 100 Kms or more from the place of meeting, as per eligibility of Joint Secretary level. |
| c) Local Travel | As per eligibility of Joint Secretary level. |
| d) Providing facilities of hearing rooms | To be arranged by Claimant / Respondent. In case WDRA arranges for hearing, necessary charges shall be deposited by Claimant / Respondent. |

- (iii) The fee payable to the arbitrator(s) would be governed by the Guidelines on the Redress of Grievances and Resolution of disputes issued by WDRA and amendments made therein time-to-time, and in accordance of the above table, irrespective of the fact whether the arbitrator(s) is/are appointed by the Appointing Authority or by the court of law unless specifically directed by Hon'ble court otherwise on the matter.

6. Arbitrator's liability: -

- (i) Arbitrator or Arbitral Tribunal shall carry out his/her assignment of arbitration with due diligence and in accordance with the prevailing Arbitration and Conciliation Act 1996 as amended up to date. Arbitrator will ensure confidentiality, adhere to procedures, and work without any bias. Arbitrator is liable to follow all the prevailing provisions of Arbitration and Conciliation Act, 1996 and any amendments thereof.
- (ii) Empanelled Arbitrator shall submit his acceptance with declaration as per enclosed Performa.

7. General

- (i) These guidelines shall be binding on the empanelled Arbitrators.
- (ii) The provisions of Arbitration and Conciliation Act, 1996 as amended upto date, shall be followed in all arbitral proceedings.

CURRICULUM VITAE

| 1. Personal information | |
|------------------------------------|---|
| a. | Name |
| b. | Date of Birth |
| c. | Residential address |
| d. | Telephone number |
| e. | Email ID |
| 2. Professional information | |
| a. | Academic qualifications |
| b. | In case of an advocate, enrolment number, date of enrolment as an advocate |
| c. | Areas of expertise |
| d. | Length of professional experience in the field of arbitration |
| e. | In case a retiree of Central/State Government or Central/State PSEs or Statutory/Autonomous body, Please mention pay level from the post the applicant has retired |
| f. | In case you are a retired government servant, please mention if any departmental proceedings are pending against you or punishment (if any) has been imposed during your service. |
| g. | In case you are an advocate, please mention: a) If any disciplinary proceedings is pending against you before the Bar Council of India or Bar Council of any State. If so, the particulars and the stage of the proceedings, or b) Details of punishment (if any) imposed on you by the Bar Council of India or Bar Council of any State. |
| h. | Experience of work with Central Government or an autonomous Body formed by a central Act or a Central PSE |
| i. | Whether empanelled as an arbitrator with any other institution? If so, please provide names of the institutions with the date of empanelment. |
| j. | Number of cases conducted as an arbitrator. |
| k. | Particulars of articles relating to arbitration, if any, published in any journal / book / publication |
| l. | Any other information applicant may like to give |

Date: _____

Signature: _____

Checklist of documents to be submitted along with the application:

1. In case the applicant is an advocate, certificate of enrolment.
2. In case the applicant is a professional, a certificate of experience issued by the concerned Professional Institution.
3. Declaration regarding clause 2(iv)-(vii) & 5(ii)
4. Copies of arbitral awards pronounced by the applicant as an arbitrator / member of an arbitral tribunal.
5. Copies of articles relating to arbitration published in any book / journal.
6. Last pay certificate in case of retired employees.
7. Certificate of work, documentary evidences of cases/work assigned or the empanelment letter for the said purpose by Central Government/State Government/PSU/Autonomous bodies.

DECLARATION/ UNDERTAKING BY THE ARBITRATOR

I, _____ declare as under:

1. There are no circumstances known to me which are likely to give rise in any justified doubts as to my impartiality or independence. I disclose my interest, if any, to ensure that there is no conflict of interest in my appointment as Arbitrator.
2. I agree to abide by the WDRA guidelines on empanelment of arbitrators and redress of grievances and resolution of disputes (as amended from time to time).
3. I shall do best to ensure that arbitration proceedings shall be conducted in a diligent, fair, efficient, expeditious in a time bound & cost-effective manner.
4. I shall not accept any privilege or benefit of any kind, monetary or otherwise, immediately or at a later stage from the parties to Arbitration or any other person at their behest.
5. I shall not leave the arbitration proceedings before completing arbitral proceedings and finalising the arbitral award for any reason, what so ever, except physical inability.
6. In case there is a false or misleading statement found or having concealed any material facts, then my engagement as Arbitrator be terminated on immediate basis.
7. There is no vigilance/disciplinary proceeding pending against me.
8. I have never been convicted nor facing any criminal proceedings.
9. I declare that I have not been removed as arbitrator in circumstances where moral probity or incompetence were an issue.
10. I declare that all the information furnished by me are true & correct.

Date: _____

Signature : _____

Place: _____

Name in full: _____