**Code of Ethics and Conduct & Disclosure Rules for Arbitrators 2016**

APPENDIX 1
Form No. 1
“Letter of Consent to act as Arbitrator & Disclosure of Interests”
*(See Rule No. 4)
(Information provided in this form will be shared with the Parties)*

To

The SECRETARIAT

IMC INTERNATIONAL ADR CENTRE (“IIAC”)

IMC Building 3rd Floor

Suresh Kotak International ADR Centre

IMC Marg, Churchgate,

Mumbai-400 020

Maharashtra, INDIA

Re: CASE No.: \_\_\_\_\_\_\_\_\_\_\_\_

I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, having my place of business at\_\_\_\_\_\_\_\_\_\_\_\_\_

1) I have been requested by\_\_\_\_\_\_\_\_\_\_, to act as a Sole Arbitrator/ Arbitrator in relation to disputes arising under a contract dated \_\_\_\_/\_\_\_\_/\_\_\_\_\_ between the following parties:

(I) :\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Claimants)

(II) :\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Respondents)

2) I have read and familiarised myself with:

(i) The Code of Ethics and Conduct & Disclosure Rules for Arbitrators.

(ii) The Rules and Procedure applicable to the proposed arbitration proceeding.

(iii) The Rules and Terms relating to appointment and payment of Fees to Arbitrators published by IIAC.

3) I agree to serve/decline to serve as Arbitrator in the above case.

 *(NOTE: If you “decline to” serve as Arbitrator you may return this Form without completing the rest of the form).*

4) I agree to serve as Arbitrator under and in accordance with IIAC Rules applicable to arbitrations and agree to observe and abide by the “Code of Ethics and Conduct & Disclosure Rules for Arbitrators”, as also the Rules and Terms relating to appointment and payment of Fees to Arbitrators and all Rules and Procedures published by IIAC from time- to-time applicable for conduct of the proposed arbitration proceeding and agreed to by parties for the conduct of their arbitration, including those referred to in paragraph 2 above and on that basis, I accept appointment as a sole Arbitrator/Arbitrator in respect of the above referred disputes (Case Number) and make the following disclosures:

|  |  |  |
| --- | --- | --- |
|  |  | Write YES or NO |
| 1 | I have read List A of Appendix 3 and I confirm I am not disqualified by any of the circumstances set out therein. |  |
| 2 | I have read List A of Appendix 3 and I am disqualified by some of the circumstances set out therein. |  |
| 3 | Nothing to disclose: I am independent and impartial and intend to remain so. |  |
| 4 | Acceptance with disclosure: I am independent and impartial and intend to remain so, however being aware of my obligations to disclose all facts and circumstance which may call into question my independence and impartiality or may give rise to reasonable doubts or give rise to reasonable doubts as to my independence or impartiality, I am making under mentioned disclosures. |  |

Note: A person answering Serial No. 2 in the positive need not fill up rest of the form.

Disclosure required to be made by Arbitrator

| **S. No.** |  | **Arbitrators Disclosure** |
| --- | --- | --- |
| 1 | Whether Arbitrator has in past 5 years, had any business relationship or dealing with any parties to the dispute or any person representing a party or had a common identity with any party to the arbitration such as being partners, ex-partners, employee, agent or business representative? |  |
| 2 | Whether Arbitrator is part of the management of any of the parties or in a position to control or influence of any of the parties to the dispute or any entity that has an economic or financial interest in the business of a party to the dispute or in the subject matter of the dispute or in the outcome of the award. |  |
| 3 | Whether Arbitrator has a significant financial or personal interest in any of the parties or outcome of the dispute? |  |
| 4 | Whether the Arbitrator has or had a prior interest or involvement in the dispute, whether financial, business, professional or any other kind.  |  |
| 5 | Whether any person appearing before an Arbitrator is a “Related person”, within the meaning of the term “relative” as defined in the Companies Act, 2013. |  |
| 6 | Whether the Arbitrator or any of his partners or associates regularly represents, advices or provides services or has business dealings with a party to the arbitration or any of its affiliates, associates or subsidiaries. |  |
| 7 | Whether the Arbitrator is related to another Arbitrator in the same Arbitral Tribunal or associated to him as a partner or as a Chamber colleague. |  |
| 8 | Whether there exists any facts or circumstances likely to affect the Arbitrator’s ability to devote sufficient time to the arbitration and in particular his ability to complete the entire arbitration within period prescribed by IIAC Rules or a period statutorily prescribed. |  |
| 9 | The extent of any prior knowledge that Arbitrator may have of the dispute. |  |
| 10 | Whether the Arbitrator has rendered any advice or services or has had some business dealings with a party to the arbitration. |  |
| 11 | Whether the Arbitrator has within the past three years been appointed as an Arbitrator on two or more occasions by one of the parties or an affiliate of one of the parties. |  |
| 12 | Whether a close personal friendship or enmity exists between the Arbitrator and a party or its representative appearing in the arbitration proceedings. |  |
| 13 | Whether any person appearing before the Arbitrator as party or representative is or has been related or associated with the Arbitrator. |  |
| 14 | Whether there is or has been any past or present relationship or business relationship or interest or dealings whether, direct or indirect, with any person who may be or is appearing as a witness. |  |
| 15 | Any facts which may affect his/her independence and impartiality as Arbitrator or any prejudice or reservation he/she may have as to any party or to the subject matter of the dispute which may affect his/her impartiality, or which comes within the grounds enumerated in 5th Schedule of Arbitration and Conciliation Act, 1996 as amended. | (Use an Attached Sheet if necessary) |
| 16 | I confirm that I have the qualifications to conduct this arbitration as agreed by parties. |  |
| 17 | I confirm that apart from the above disclosed facts there are no other facts and circumstances to my knowledge which I need to disclose and which may be regarded as giving rise to justifiable grounds affecting my independence and/or my impartiality. |  |

Dated this \_\_\_\_\_ day of \_\_\_\_

Place:

Name and Signature of Arbitrator

APPENDIX 2
Form No. 2
“Letter of Further Disclosure”
*(See Rule No. 4.2)
(Information provided in this form will be shared with the Parties)*

To

The Secretariat

IMC INTERNATIONAL ADR CENTRE (“IIAC”)

IMC Building 3rd Floor

Suresh Kotak International ADR Centre

IMC Marg, Churchgate,

Mumbai-400 023

Maharashtra, INDIA

Re: CASE No:\_\_\_\_\_\_\_\_\_\_\_\_

I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ having my place of business at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. On \_\_\_\_\_\_\_\_20\_\_\_ , I was appointed as a Sole Arbitrator/Arbitrator and am presently acting as such in relation to disputes arising under a contract dated \_\_\_\_/\_\_\_\_/20 between following parties:

(I) :\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Claimants)

(II) :\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Respondents)

2. On \_\_\_\_\_\_\_\_\_\_20\_\_\_ , I had filed a Letter of Consent to act as Arbitrator & Disclosure of Interest as required under the “Code of Ethics and Conduct & Rules for Disclosure for Arbitrators” published by IIAC. Thereafter, certain events have transpired which necessitates my making this further disclosure of my interests, which I am doing hereunder.

(i) Nature of interest and facts and circumstances in which new/ further interest arises: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

(ii) Date when Interest arose and/or facts and circumstance occurred: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Dated this \_\_\_\_\_ day of\_\_\_

Place:

Name and Signature of Arbitrator