

**File No. Misc/2018-Empt of Arbitrators/E&C  
Government of India  
Ministry of Communications  
Department of Telecommunications  
(Establishment & Coordination Section)**

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**Dated: 01/05/2018**

**Subject: Application for Empanelment as Arbitrators in BSNL Haryana Circle - Regarding**

The undersigned is directed to upload the copy of letter No. LC/HR/Empt of Arbitrators dated 17-02-2018 received from BSNL Haryana Circle, for wider circulation.

Encl: As above



**(Patanjali Prakash)  
ADG(E&C)  
Tel:2303-6177**

**To**

**All the retired SAG and above level officers**

भारत संचार निगम लिमिटेड,  
कार्यालय मुख्य महाप्रबंधक दूरसंचार  
हरियाणा दूरसंचार परिमंडल अम्बाला  
107, महात्मा गाँधी मार्ग अम्बाला छावनी-133001



EH 59 4192 019 JN  
भारत संचार निगम लिमिटेड  
(भारत सरकार का उपक्रम)  
BHARAT SANCHAR NIGAM LIMITED  
(A Govt. of India Enterprise)

BSNL 3G ))) BSNL LIVE  
Faster than your thoughts 2018

Regd.

To

Ministry of Communications,  
Department of Telecommunications,  
Sanchar Bhawan, 20 Ashoka Road,  
New Delhi - 110001.

Dot (CR SECTION)  
Scanned e-receipt  
No. 30.7066/18/CR  
22/02/18

No. LC/HR/Empt of Arbitrators/10

Dated at Ambala the 17-02-2018.

Sub: - Revision of Arbitration guidelines in BSNL in accordance with Arbitration and Conciliation (Amendment) Act, 2015 (3 of 2016) - Empanelment of Arbitrators and Payable Fee Structure regarding.

Kindly find enclosed herewith a copy of letter no. MMS/135-1/2011-12 (Pt.)/69 dated 28-12-2017 received from AGM (ST) BSNL Corporate Office New Delhi in the above cited subject.

In this regard, it is intimated that BSNL Haryana Circle hereby invites application(s) for Empanelment of Arbitrators from all the eligible officers in the prescribed attached format.

All eligible officers are requested to send their application in the prescribed attached format to this office at the following address:-

**AGM (HR) O/o CGMT, BSNL, Haryana Telecom Circle, 107, The Mall, Ambala Cantt-133001 (Haryana).**

This may be given wide publicity.

This is issued with the approval of Competent Authority.

Encl: As above.

*Amrita*  
AGM (HR)

Tel. No. 0171-2688615  
Fax No. 0171-2603555

1/c

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**Bharat Sanchar Nigam Ltd.**  
(A Govt. of India Enterprise)  
2<sup>nd</sup> Floor, Bharat Sanchar Bhawan, Janpath, New Delhi - 110 001  
(MMS Section)  
Tel: 011- 23037279 Fax: 011-23710198

To

All Chief General Managers  
Telecom Circles,  
Bharat Sanchar Nigam Limited.

No. MMS/135-1/2011-12 (Pt.)/69

Dated: 28.12.2017

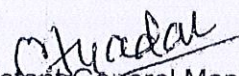
**Subject: Revision of Arbitration guidelines in BSNL in accordance with Arbitration and Conciliation (Amendment) Act, 2015 (3 of 2016) – Empanelment of Arbitrators and Payable Fee Structure regarding.**

Reference:

- (1) This office letter No. MMS/135-1/2013-14/30 dated 12.12.2014
- (2) This office letter No. MMS/135-1/2011-12 (Pt.)/31 dated 27.8.2012
- (3) This office letter No.135-1/2003-MMS/879 Dated 29.12.2003
- (4) This office letter No. 243-22/2005-MMS/245 dated 4.5.2007
- (5) Letter No. BSNL/Seckt/54-2/2010 dated . 06.04.2016

In continuation of letters under reference, approval of competent authority in BSNL is hereby accorded for revision of guidelines for empanelment of arbitrators and payable fees structure in accordance with Arbitration and Conciliation (Amendment) Act, 2015 ( 3 of 2016) as enclosed annexure.

Encl: Modified Guidelines with  
Application Performa (5 pages)

  
Assistant General Manager (ST)

Copy to:

1. PPS to CMD BSNL for kind information.
2. Dir (HR)/Dir (F)/Dir (Ent.)/Dir (CM)/Dir (CFA) BSNL for kind information.
3. All PGMs/Sr GMs/GMs, BSNL CO, New Delhi
4. Copy for posting on BSNL Intranet Portal
5. Office copy

**Subject: Revision of Arbitration guidelines in BSNL in accordance with Arbitration and Conciliation (Amendment) Act, 2015 (3 of 2016) .**

The extant arbitration guidelines in BSNL were as per Arbitration Conciliation Act, 1996. The same has been revised as per Arbitration and Conciliation (Amendment) Act, 2015 (3 of 2016) w.e.f. 01.01.2016. The mentioned below amendments have been done:

- (i) Empanelment of Arbitrators.
- (ii) Fee payable to Arbitrators for BSNL cases

**1.0 Empanelment of Arbitrators**

The Eligibility condition for fresh empanelment is modified as following:

**Eligibility**

- 1.1 a. The applicant should be retired officer of SAG level or above from DOT/BSNL before three years on date of application.  

Or
- b. The applicant should be a retired SAG level officer or above from other central government departments/ CPSEs.  

Or
- c. The applicant should be a retired judge of District & Session Court/High Court/ Supreme Court or an eminent jurist/lawyer. In case of lawyer, he should have already been empanelled as an arbitrator in at least one organization of repute.
- 1.2 Applicant will give declaration that no vigilance case is pending against him/her as on date of submission of application
- 1.3 The applicants should not be in full time employment on regular/contract basis. An undertaking regarding shall be submitted with the application.
- 1.4 The applicant should be below 75 years of age.

Format of application is appended as **Annexure I** along with declaration as required by amended act as **Annexure II**.

- 1.5 Fresh applications may be called from already empanelled arbitrators and scrutinized as per provisions of Schedule V to VII. The Committee as mentioned in letter No. MMS/135-1/2013-14/30 dated 12.12.2014 may be authorized to recommend all eligible candidate(s) to Competent Authority for fresh appointment of arbitrator i.e. CMD at Corporate Level and CGMs in Circle level.

**2.0 Methodology for Empanelment**

The officer who wishes to get empanelled should submit his/her application in the prescribed format (Annexure – I and Annexure- II) for empanelment of Arbitrators.

- 2.1 For empanelment of Arbitrator at BSNL HQ the application may be sent to AGM (ST), O/o PGM/Sr. GM (MM) BSNL, CO. New Delhi.
- 2.2 For empanelment of Arbitrator at Telecom Circle level, the application may be sent to AGM (MM) in the respective Telecom Circle office.
- 2.3 As and when an application is received from the officer, Vigilance Clearance and Verification of Service particulars will be obtained from the concerned authorities by the receiving officer(s). Subsequently the application will be submitted to a Screening Committee on a monthly/quarterly basis whose composition is as given below:
- (a) **At BSNL HQ Level:**
- (i) Screening Committee comprising of PGM/ Sr. GM/ GM (MM), PGM/ GM (PF), Sr.GM/GM (Pers) and Sr. GM (Legal) and the senior most member will head this Committee.
- (b) **At Circle Level:-**
- (i) Screening Committee comprising of Sr.GM/GM (NWP-CFA/CM), GM (F)/TR and Sr.GM/GM (Admn.) and the senior most member will head this committee.
- 2.4 The Screening Committee will recommend empanelment of the applicant as an arbitrator. The recommendation of the committee will be approved by CMD, BSNL /CGM Telecom Circle, as the case may be.
- 2.5 The names of the approved candidates shall be included in the panel of Arbitrators in the respective units of BSNL HQ. A register containing the names of the Arbitrators shall be maintained by AGM (ST) at HQ level and by AGM (MM) at circle Level.

### **3.0 Terms & Conditions for empanelment**

- 3.1 Initial empanelment will be done for a period of 3 (Three) years from the date of empanelment and renewal can be done after 3 years each.  
Note:- Renewal will be made on the basis of performance in the cases handled by the arbitrator.
- 3.2 An arbitrator will continue to handle the ongoing cases in hand till the age of 75 years. After attaining age of 75 years extension in the period to conclude in-hand arbitration cases, will be given in slabs of 03 months, not exceeding 06 months in any case. After this the balance cases will be handed over to other arbitrator. However new cases will not be assigned to an arbitrator after he/she attains age of 74 years.
- 3.3 Empanelled arbitrator is required to submit a certificate every year in the month of December to the effect that he/she is not employed anywhere.

#### 4.0 Terms & Conditions regarding award:

4.1 The arbitral tribunal shall make and publish the award within time stipulated as under:

Amount of Claims and Counter Claims	Period for making and publishing of the award (counted from the date the arbitral tribunal enters upon the reference)
Upto Rs. 5 crores	Within 6 months (Fast Track procedure)
Above Rs. 5 crores	Within 12 months

4.2 However, the above time limit can be extended by the Arbitrator for reasons to be recorded in writing with the consent of parties and in terms of provisions of the Act.

4.3 The venue of arbitration shall be normally BSNL CO New Delhi and /or Circle/ SSA HQ.

4.4 The number of cases referred to each empanelled arbitrator for arbitration shall be restricted to a maximum of four (4) at a time.

#### 5.0 Appointment of arbitrator in a case:

5.1 For all the disputes arising after the formation of BSNL, i.e. for all those cases where the powers to appoint arbitrator lies with CMD, BSNL arbitrator shall be appointed by BSNL HQ

- from one of the officers whose name is included in the BSNL HQ panel for BSNL HQ cases and
- from one of the officers whose name is included in the panel in the respective Telecom circle for Circle cases (if beyond the power of CGM)

5.2 For the dispute arising in BSNL Circles, the arbitrators shall be appointed by CGM of the respective circle, in case when the CGM is named as an authority to nominate arbitrator in the agreement/ contract, from among the officers having relevant expertise/experience in the panel in the respective Telecom circle.

5.3 The panel of arbitrators shall be maintained circle-wise and all efforts shall be made to appoint the Arbitrator from the same city where the dispute has arisen. Unless in special circumstances, normally cases shall be entrusted to those Arbitrators whose residence is the nearest to the circle/unit where the dispute has arisen. Further, before appointing the Arbitrator from panel, a declaration in writing has to be obtained from the Arbitrator as prescribed in Annexure-II hereto.

5.4 Aforesaid guidelines with revised terms & conditions shall be applicable to the present panel of arbitrators and for the cases allotted on or after the date of issuance of these revised guidelines as well as to ongoing non-finalized arbitration cases where award is given within 06 months from the date of appointment of arbitrator in a case.

This panel will be applicable for all kinds of arbitration cases pertaining to procurement of Goods and Services in BSNL.

## **6.0 Fees payable to Arbitrators**

Arbitration fee for BSNL empanelled arbitrator may prescribe the following fee under Section 31 (A) of the Arbitration and Conciliation Act, 1996

<b>Sum in dispute</b>	<b>Proposed fee</b>
Above Rs. 5,00,000/- and upto Rs. 20,00,000/-	Rs. 45,000/-
Above Rs. 20,00,000/- and upto Rs. 1,00,00,000	Rs. 97,500/-
Above Rs. 1,00,00,000 and upto Rs. 10,00,00,000	Rs. 3,37,500/-
Above Rs. 10,00,00,000/- and upto Rs. 20,00,00,000	Rs. 12,37,500/-
Above Rs. 20,00,00,000	Rs. 19,87,500/-

This fee will be shared equally by both the parties. Each party shall pay its share of arbitrator's fees in stages as under:

Each party shall pay its share of arbitrator's fees in stages as under:

- (i) 20% of the fees on filing of reply to the statement of claim.
- (ii) 40% of the fees on completion of pleadings.
- (iii) 20% of the fees on conclusion of the final hearing.
- (iv) 20% at the time when award is given to the parties.

## **6.1 Arbitrator's Fees for disputes (Fast track procedure)**

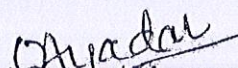
For the fast track arbitration, arbitration fee which the Arbitrators may agree for fees under Section 29B (6) which will be as following:

<b>Amount of Claims and Counter Claims (excluding counter claims)</b>	<b>Lump sum fees (including fees for study of pleadings, case material, writing of the award, secretarial charges, etc.) payable to each arbitrator</b>
Upto Rs. 50 lakhs	2.7% of the claim amount subject to a minimum of Rs. 45,000/-
Above Rs. 50 lakhs to Rs. 1 crore	Rs. 1,35,000/- plus Rs. 1,800/- per lakh or a part thereof for the claim amount above Rs. 50 lakhs.
Above Rs. 1 crore and upto Rs. 5 crores	Rs. 2,25,000/- plus Rs. 33,750 per crore or a part thereof for the claim amount above Rs. 1 crore.

This fee will be shared equally by both the parties. Each party shall pay its share of arbitrator's fees in stages as under:

- (i) 25% of the fees on filing of reply to the statement of claim.
- (ii) 25% of the fees on completion of pleadings.
- (iii) 50% at the time when award is given to the parties.

Encl: Application pro-forma for empanelment of Arbitrators ( 5 pages)

  
Assistant General Manager (ST)

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Bharat Sanchar Nigam Ltd.  
(A Govt. of India Enterprise)

**APPLICATION FOR EMPANELMENT AS AN ARBITRATOR IN BSNL**  
**HQ/TELECOM CIRCLE (NAME OF THE CIRCLE)**

1. Name:

Mr. /Ms/- .....  
(In Block letters)

2. Address - .....Pin  
.....

(i) Phones Office.- .....Resi.....(Mobile).....  
..... Fax.....

(ii)Email.....

2-A Qualifications.....

3. Date of Birth..... Age:..... Nationality.....

4. Grade/Pay scale at the time of Superannuation & Date of Retirement/  
Superannuation.  
.....

5. Last Post held  
.....

6. Place of Superannuation & PPO No.  
.....

7. Experience for last 10 years prior to the year of Superannuation :

S.No.	Post Held	Employer's Name	Address	Period	Nature of work
1					
2					
3					
4					
5					

8. Date of Enrolment as Advocate & Area of practice ( If applicable).....

9. Additional information, if any.....

Signature of the Applicant.



(10) Undertakings: -

- (i) I have superannuated from.....(name of Circle/Unit/Place) on...../.... /.....(date) normally i.e. with due Vigilance Clearance.
- (ii) I confirm that during last 5 years prior to my superannuation and as on date neither any vigilance charge sheet has been served to me, nor any vigilance proceeding initiated against me.
- (iii) Presently I am not employed anywhere.
- (iv) I agree to the fee structure and other terms & conditions of appointment of arbitrators as per BSNL rules amended from time to time, even if I am appointed arbitrator by any court or otherwise. Further I also agree to fix/charge/Prescribe said fees & terms under Section 31A of Arbitration Act 1996.
- (v) In case, I am appointed as an arbitrator and I wish to take any job/employment elsewhere. I will intimate AGM (ST) BSNL CO/ or GM(MM) of the circle at least one month before taking such employment including rendering of resignation as arbitrator.
- (vi) I shall take up and complete the arbitration cases referred to me with utmost care, diligence and try to complete the proceedings in fast track and or otherwise in a time bound manner not exceeding 06/12 months as the case may be.
- (vii) I declare that I have not been removed as arbitrator in circumstances involving moral turpitude or incompetence.
- (viii) I note that my name will be deleted from the Panel as soon as I attain 75 years of age and will ensure conclusion of ongoing arbitration cases referred to me within 03 months of my attaining age of 75 years.
- (ix) I declare that above particulars furnished are true & correct.

Date:

Place:

Signature of the Applicant  
Staff No.  
HRMS No.

DECLARATION

[As per Sixth Schedule (See Section 12(1) (b))]

1. That I am not ineligible for appointment as an Arbitrator according Fifth & Seventh schedule of the THE ARBITRATION AND CONCILIATION (AMENDMENT) ACT, 2015 No. 3 of 2016
2. Name: \_\_\_\_\_
3. Contact details: \_\_\_\_\_  
\_\_\_\_\_
4. Prior experience (including experience with arbitrations) \_\_\_\_\_  
(As per Form A attached here) \_\_\_\_\_
5. Number of on-going arbitrations \_\_\_\_\_  
(As per Form B attached here) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Circumstances disclosing any past or present relationship with or interest in any of the parties or in relation to the subject-matter in dispute, whether financial business, professional or other kind which is likely to give rise to justifiable doubts as to you independence or impartiality (list out).  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Circumstances which are likely to affect your ability to devote sufficient time to the arbitration and in particular your ability to finish the entire arbitration within twelve months (list out)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name:

Signature :

Address:

Date:



