



LAW & POLICY UPDATE

India International Arbitration Centre (Conduct of Arbitration) Regulations, 2023: Key highlights

On September 01, 2023 India International Arbitration Centre (Conduct of Arbitration) Regulations, 2023 (**Regulations**) were notified in the Gazette of India.

Key highlights

- Regulations define '*emergency arbitrator*', and Regulation 18 talks about appointment of emergency arbitrator and the time limit for the emergency arbitrator to give its decision.
- Regulation 4 sets out the procedure for making a request by the party, followed by Regulation 5 which talks about response by the other party within 14 days of receipt of the request.
- Regulation 6 recognizes that written communications can be sent in electronic mode apart from the usual standard form. In case a party is receiving communication through electronic mode, then the Regulations recognize the concept of time zone difference.
- Regulation 7 deals with joinder of additional parties, and Regulations 8 deals with consolidation of arbitrations. These Regulations have been introduced with the intent of dealing with issues relating to multi-party and multi-contacts, and are similar to the rules under Singapore International Arbitration Centre (**SIAC**) and ICC Rules.
- Regulation 17 talks about fast-track proceedings wherein if such proceedings are allowed, the arbitration will need to be completed within 6 months of intimation by the Registrar to the parties.
- Once the pleadings are completed, gives the power to the Tribunal to decide whether '*further pleadings*' are required. In such a situation, additional time will be granted to the parties. Further, per Regulation 28(2), the Tribunal, in consultation with the parties, can hold the hearings in physical, virtual or hybrid mode.
- Regulation 33(5) empowers the Tribunal to pass partial award on separate issues at different times.

The Regulations are in line with the intent of 2015 and 2019 amendments to the Arbitration and Conciliation Act, 1996 (**Act**) whereby there has been a clear push to model arbitration proceedings in India on the best practices of international arbitration, including the policy push for conducting domestic arbitrations through an institutional mechanism as opposed to *ad hoc*.

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