

**THE DELHI INTERNATIONAL ARBITRATION CENTRE (DIAC)
(ADMINISTRATIVE COST & ARBITRATORS' FEES) RULES 2018**

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1. **Title** - These rules may be called The Delhi International Arbitration Centre (DIAC) (Administrative Cost & Arbitrators' Fees) Rules,2018 [for short, DIAC (Fee) Rules].
2. **Administrative Costs**-The Administrative costs payable by the Parties shall be determined in accordance with the scales specified in Schedule 'A' to these rules. The scales of the Administrative charges shall be decided by the Chairperson, from time to time.
3. **Arbitrator's Fee-**
 - (i)The fees payable to the Arbitrators shall be determined in accordance with the scales specified in Schedules 'B, C, D & E' to these rules.
 - (ii)The fee shall be determined and assessed on the aggregate amount of the claim(s) and counter claim(s).

PROVIDED that in the event of failure of party to arbitration to pay its share as determined by the centre, on the aggregation of claim(s) and counter claim(s), the Centre may assess the claim(s) and counter claim(s) separately and demand the same from the parties concerned.

PROVIDED FURTHER that for the purposes of valuation or quantification of the Claims, the Centre shall be governed by the laws of India, and the principles governing the valuation of claims before the Courts of Civil Jurisdiction.

PROVIDED FURTHER that the in case of undervaluation or where the value is not determinable in pecuniary terms, the Co-ordinator would be entitled to assess and demand the revised fee on the basis of assessment and to decide the objections, if any, relating to the quantification or valuation.
4. **Parties to share equally Administrative Cost and the Fees**

- (i) The Administrative Cost and the Arbitrators' fees set forth in these Rules shall be initially shared equally by the parties, subject to the cost of arbitration as may be finally determined by the Arbitral Tribunal.
- (ii) The fee, costs and expenses, determined by the Centre, shall be payable entirely in advance.

5. **Miscellaneous Expenses**

Miscellaneous expenses likely to be incurred during arbitration shall be determined by the Coordinator and shall be paid equally by the parties.

6. **Accounts**-The Coordinator may maintain an account of the Administrative Cost miscellaneous expenses and for which the Coordinator shall be entitled to open and operate a bank account with a scheduled nationalized bank.

7. **Release of Payments to Arbitrator(s)/ Parties**

8.

- (i) Arbitrators' Fees shall be payable when proceedings are terminated, withdrawn or settled
- (ii) In the event of the arbitration being terminated, withdrawn or settled, the Coordinator, in consultation with the Chairperson shall fix the quantum of fees payable to the arbitrator(s). The Coordinator shall take into account the stage at which the arbitration proceedings stood terminated and the extent of work done or time spent by the Arbitrators on the matter.

PROVIDED that no separate fee or charges shall be payable to the Arbitral Tribunal in relation to any Application under section 17 or Section 33 of the Arbitration and Conciliation Act, 1996.

- (iii) Unless otherwise directed by the Court or except in case of *de novo* trial directed by the Court, the Arbitral Tribunal shall not be entitled to fresh fee in the event the award is set aside and remanded to the same Arbitral Tribunal for consideration.
- (iv) The Administrative Cost and miscellaneous expenses paid by the parties shall not be refundable, under any eventuality.

8. **Amendment of Rules** - These Rules may be amended by the Chief Justice of the Delhi High Court in consultation with the Arbitration Committee.

9. **Residuary Provision** - The Arbitration Committee may take appropriate decisions, as it considers necessary in respect of all matters which are not specifically provided in these Rules.

Schedule A

Administrative Cost

Domestic Arbitration

As may be determined by the Chairperson of Arbitration Committee from time to time.

International Arbitration

Fixed Costs	Rs.30,000/- (To be paid alongwith the request for arbitration)
From Rs.10,00,000/- to Rs 50,00,000/-	Rs. 30,000/- + 1% of the claim amount over and above Rs 10,00,000/-
From Rs.50,00,000/- to Rs 1,00,00,000/-	Rs. 70,000/- + 0.5% of the claim amount over and above Rs 50,00,000/-
From Rs.1,00,00,000/- to Rs 10,00,00,000/-	Rs. 95,000/- + 0.25% of the claim amount over and above Rs 1,00,00,000/-
Over Rs. 10,00,00,000/-	Rs. 3,20,000/- + 0.15% of the claim amount over and above Rs 10,00,00,000/-

Note: Air fare and cost of stay in hotel of the member(s) of the Arbitral tribunal are excluded, which are to be equally borne by the parties.

Emergency arbitration

Fixed Fee Rs. 5,00,000/-

Note: Air fare and cost of stay in hotel of the member(s) of the Arbitral tribunal are excluded, which are to be equally borne by the parties.

In addition to the foregoing, the parties shall be required to pay a sum of Rs. 3,500/- per day for use of facilities of the DAC on the days the Arbitral Tribunal holds its sittings. (International Arbitration and Emergency Arbitration)

Schedule B

Arbitrators' Fees in Domestic Arbitrations

Sum in dispute	Model fee
Up to Rs.5,00,000	Rs.45,000
Above Rs.5,00,000 and up to Rs.20,00,000	Rs.45,000 plus 3.5 per cent of the claim amount over and above Rs.5,00,000
Above Rs.20,00,000 and up to Rs.1,00,00,000	Rs.97,500 plus 3 per cent of the claim amount over and above Rs.20,00,000
Above Rs.1,00,00,000 and up to Rs.10,00,00,000	Rs.3,37,500 plus 1 per cent of the claim amount over and above Rs.1,00,00,000.
Above Rs.10,00,00,000 and up to Rs.20,00,00,000	Rs.12,37,500 and plus 0.75 per cent of the claim amount over and above Rs.10,00,00,000.
Above Rs.20,00,00,000	Rs.19,87,500 plus 0.5 per cent of the claim amount over and above Rs,20,00,00,000 with a maximum ceiling of Rs.30,00,000

*The Fee schedule indicates the fee payable to each Arbitrator comprising the Tribunal.

In the event, the Arbitral Tribunal is a sole arbitrator, he shall be entitled to an additional amount of twenty-five per cent of the fee payable as per the table set out above.

Schedule C

Arbitrator's fees in Summary Arbitration*

Sum in dispute (in Rs.)

Fees

Upto Rs. 10,00,000/-
Above Rs. 10,00,000/-

Rs. 25,000/-
As per Schedule B

*** Sums in dispute mentioned in the Schedule B and C above shall include any counter -claim made by a party.**

Note: Fee in respect of claims/counter claims either wholly or partially, monetary value whereof cannot be ascertained will be fixed by the Chairperson, having regard to, effective and substantial relief sought, and complexity of the subject matter.

Schedule D

Arbitrators' fees in International Commercial Arbitration

Sum in dispute	Fees
Upto \$ 50,000 or equivalent in Rupees	Rs.3,00,000/-(minimum)
From \$ 50,001 to \$ 1,00,000 or equivalent in Rupees	6% of the additional amount
From \$ 1,00,001 to \$ 5,00,000 or equivalent in Rupees	3.5% of the additional amount
From \$ 5,00,001 to \$ 10,00,000 or equivalent in Rupees	2.5% of the additional amount
From \$ 10,00,001 to \$ 20,00,000 or equivalent in Rupees	1.5% of the additional amount
From \$ 20,00,001 to \$ 50,00,000 or equivalent in Rupees	0.75% of the additional amount
From \$ 50,00,001 to \$ 1,00,00,000 or equivalent in Rupees	0.35% of the additional amount
From \$ 1,00,00,001 to \$ 5,00,00,000 or equivalent in Rupees	0.15% of the additional amount
From \$ 5,00,00,001 to \$ 8,00,00,000 or equivalent in Rupees	0.075% of the additional amount
From \$ 8,00,00,001 to \$ 10,00,00,000 or equivalent in Rupees	0.03% of the additional amount
Over \$ 10,00,00,001 or equivalent in Rupees	0.02% of the additional amount

Note: Fee in respect of claims/counter claims either wholly or partially, monetary value whereof cannot be ascertained will be fixed by the Chairperson, having regard to, effective and substantial relief sought, and complexity of the subject matter.

Schedule E

Arbitrators' fees in Emergency Arbitration

Fixed Fee

15% of the fees payable to the Arbitrator in accordance with the fee structure in Schedule B or D as the case may be.