

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.
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SCHEDULE F
Rule for Release of Fee of Arbitrator

(Introduced vide minutes dated 26.10.2020)

Fees shall be disbursed stage-wise to the Arbitral Tribunal in the following manner:

Sr. Nos.	Stage of the case	Fee payable
1	Upon 'Framing of issues' or disposal of application under Section 16 or 17 of the Arbitration and Conciliation Act 1996, whichever is earlier.	20% of the total fees
2	Upon completion of Claimant's Evidence (on merits of the dispute).	20% of the total fees
3	Upon completion of Respondent's Evidence (on merits of the dispute).	20% of the total fees
4	After passing of the Award	40% of the total fees.

Note:

- 1) The aforesaid fee schedule shall also apply to following cases:
 - a) Matters stayed or adjourned sine die or pending before the NCLT or like authorities.
 - b) Recusal by the Arbitrator(s).
 - c) Demise of the Arbitrator(s) (Fees will be paid to his/her legal heirs).
 - d) Proceedings terminated or withdrawn.
 - e) Termination of the mandate of the Arbitrator(s) by efflux of time as provided in the Act.
- 2) In case of occurrence of any of the events mentioned in point 1) prior to framing of issues, it shall be the discretion of the Chairperson of the Committee to determine the fees payable to the Arbitrator.
- 3) In cases decided on preliminary issue, it shall be the discretion of the Chairperson of the Committee to release such fees of the Arbitrator as may be deemed appropriate having regard to factors, which may include nature of the claim, number of hearings, etc.

- 4) If the application under Section 16 is allowed by the Arbitrator subsequent to framing of issues, then the Arbitrator shall be entitled to the fees as payable up to that stage.
- 5) It is clarified that each slab in the above table shall apply only upon conclusion of the relevant stage and in case a particular stage is not concluded, the previous slab shall apply.
- 6) **Termination of proceedings on settlement between the parties** - In case of settlement between the parties to a dispute, the Arbitral Tribunal shall be paid minimum of 1/3rd of the total fees if such settlement is arrived at before conclusion of the claimant's evidence. If the settlement is arrived at any subsequent stage, the fees of the Arbitral Tribunal shall be paid as per the above Schedule depending on the stage at which the settlement is arrived at.
- 7) Notwithstanding this Schedule, it shall be the discretion of the Chairperson of the Committee to fix/revise the fees payable to the Arbitrator on case to case basis.

APPENDIX-1

**Model format of memorandum of understanding (MoU)
[See Rule 4.1(e) of DIAC (Arbitration Proceedings) Rules, 2023]**

We hereby agree that disputes or differences, which have arisen between us in respect of our contract _____ (give details) dated _____ and which are subject matter of the proceedings _____ (specify the nature and particulars of proceedings with cause title) (use separate sheets if necessary) to be resolved by arbitration in accordance with the Rules of Delhi International Arbitration Centre.

In Witness Whereof, this Agreement has been signed on this _____ day of _____ month of _____ (year) at _____ by:

1. _____ for and on behalf of _____.
2. _____ for and on behalf of _____.