

**DELHI INTERNATIONAL ARBITRATION CENTRE
(ADMINISTRATIVE COSTS & ARBITRATORS' FEES)
RULES, 2018**

1. Title

These rules may be called the Delhi International Arbitration Centre (Administrative Costs & 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 & F' 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 also that 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 the Administrative Costs and the Fees of the Arbitrator

- (i) The Administrative Costs 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 Costs and miscellaneous expenses and for which the Coordinator shall be entitled to open and operate a bank account with a scheduled nationalized bank. Chief cashier to maintain accounts's book of the centre under the supervision of Coordinator.

7. Administrative Costs, Miscellaneous Expenses And Arbitrators' Fee when Proceedings Terminate-

- (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 Costs 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 Costs**

Domestic Arbitration*

Sr. No.	Sum of amount of Claim/ Counter claim (in Rs.)	Misc./ Administrative Expenses (in Rs. Payable by each side)
i)	Upto 20,00,000/-	10,000/-
ii)	20,00,000/- to 1,00,00,000/-	20,000/-
iii)	1,00,00,000/- to 5,00,00,000/-	40,000/-
iv)	5,00,00,000/- to 10,00,00,000/-	75,000/-
v)	10,00,00,000/- to 50,00,00,000/-	1,00,000/-
vi)	50,00,00,000/- and above	2,50,000/-

* w.e.f. 01.12.2022

International Arbitration

Fixed Fee	Rs.30,000/- (To be paid along with 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 DIAC on the days the Arbitral Tribunal holds its sittings.

SCHEDULE B **Arbitrators' Fees ***

Sr. No.	Sum in dispute (in Rs.)	Fees
i)	Up to Rs.5,00,000/-	Rs.45,000/-
ii)	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/-
iii)	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/-
iv)	Above Rs.1,00,00,000/- and up to Rs.10,00,00,000/-	Rs.3,37,500/- plus 1.5 per cent of the claim amount over and above Rs.1,00,00,000/-
v)	Above Rs.10,00,00,000/- and up to Rs.20,00,00,000/-	Rs.16,87,500/- plus 1 per cent of the claim amount over and above Rs.10,00,00,000/-
vi)	Above Rs.20,00,00,000/-	Rs.26,87,500/- plus 0.5 per cent of the claim amount over and above Rs.20,00,00,000/- with a maximum ceiling of Rs.60,00,000/-. Note: This ceiling relates to entire fee (fixed as well as the variable amount).

*The Fee Schedule indicates the fee payable to each Arbitrator comprising the Tribunal and applicable w.e.f. 01.12.2022.

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
Arbitrators' fees in Summary Arbitration*

Sum in dispute (in Rs.)	Fees
Upto Rs. 10,00,000/-	Rs. 25,000/-
Above Rs. 10,00,000/-	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 (In US \$)	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

* Conversion rate as on date of deposit shall be applicable.

* Deposit in INR only

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.
------------------	---

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 _____.

