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# Is arbitration proceedings is costly in india.

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Adv. Sagar R. Jadhav  
Proprietor

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**Recently Government proposed to amend Arbitration & Conciliation Act, 1996 1996 regarding Arbitrator not to charge fee on the basis of per sitting unless agreed to by the parties.**  
**What's your opinion on this?**

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Advocate  
Bhartesh  
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advocate

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Sagar, you are very right though proceedings before Arbitrator saves the court fees but arbitrators per hearing fee makes litigation very costly.

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Yes Goyal Sir, I appreciate with you, the status of arbitration hearings is fastly growing in India and its effect reflects on fees of Arbitrators, but lastly have to pay by client.

Adv. Sagar R.  
Jadhav ▾

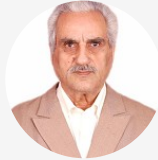
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In fact arbitration process is both the cost saving as well as time saving for both the parties, as compared to any court litigation.

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Dhingra:  
1962dcb@gmail.com  
▾

Consultant &  
Legal Analyst

👍 Likes: 404

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60576

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It is true that object to initiate Arbitration proceedin was to save the cost and time of litigation but Arbitrators per hearing fee makes the proceedings very costly.

Advocate  
Bhartesh  
goyal ▾

advocate

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rajasekaran ▾  
director

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The Arbitrator fee and the number of hearings with duration for each has to be broadly considered by Court while appointment of arbitrator itself.

Also in the proposed amendments section 80 of AC Act 1996 there is a bar for the conciliator to act as arbitrator and needs to be considered for amended. In fact to minimize the cost of litigation in the US and Europe, the law provides for the conciliator to arbitrate and resolve the dispute.

Many countries have moved forward from Model Law adopted by the United Nations Commission on International Trade Law (UNCITRAL) in 1985.

Many of the Alternate Dispute Redressal forums provide for same members to conciliate and arbitrate to reduce cost of litigation.

The post award legal mechanism is time consuming and costly as well with no immediate relief to the awardee.

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