

Form No. II
Arbitration Defense
Regulation 5.9 (h)

1. Arbitration Matter No. _____

Personal details

Details	Applicant (Details of entity filing the case)	Respondent (Details of entity against whom the case is filed)
Name*		
Address* (As mentioned in KYC or MCA document or the changed address duly informed to TM in writing)		
City *		
Pincode*		
State*		
Telephone/Mobile no.		
Email id*		
PAN No.*		
Unique Client Code*		

All fields marked * are mandatory.

2. List of documents / copy enclosed with the claim

Tick the documents enclosed along with the application

- ☐ Statement of defense to the arbitration case
- ☐ List of documents to support defense statement
- ☐ Other, please specify _____

Please note that the soft copies of the documents mentioned above has to be submitted along with submission of the physical copy.

3(a). * Payment details for cost of arbitration

(a) For Investors/Sub-brokers/Clearing Members -

- If the amount of claim/counterclaim is less than or equal to Rs. 20 lakhs, then the cost of arbitration with respect to the Constituent/Investor, whether Applicant or Respondent, shall be borne by the Exchange.
- If the amount of claim/counterclaim is more than Rs.20 lakhs, the cost of arbitration shall be as indicated in **Annexure A**.
- For other than the Constituent/Investor, the cost of Arbitration shall be as indicated in **Annexure A**

The payment should be made in favour of National Stock Exchange of India Limited

Cheque / DD / Pay Order No	
Instrument Issue Date	
Amount (Rs)	
Bank Name	

(b) For cases filed by Trading Members:

Enclose authorization for debiting the Exchange dues account. The cost of Arbitration shall be as indicated in **Annexure A**. Statutory dues - stamp duty, service tax, etc. are required to be paid additionally. (Format of Mandate is provided in **Annexure B**)

4. Do you require a hearing in the matter: Yes ☐ No ☐ (Please tick the relevant option)

Note: For cases having claim amount below Rs 25,000/-, hearing is not compulsory but arbitrator may call for hearing, if required.

5. Choice of arbitrators (Please refer the note below)

- i. _____
- ii. _____
- iii. _____
- iv. _____
- v. _____

Note:

- a. The list of Arbitrators is available on the Exchange website at Home>Domestic Investor>Arbitration>About Arbitration. Please select the arbitrators from the regional list of arbitrators where the case is filed.
- b. If the claim value is up to Rs.25 lakhs the matter is presided by a sole arbitrator. A minimum of three names are required to be provided for sole arbitration cases.
- c. If the claim value is more than Rs 25 lakhs panel of three Arbitrators is constituted. A minimum of five names are required to be provided for panel cases.
- d. Form II along with the documents should be submitted in sets of three where the claim amount is less than 25 lakhs and in sets of five where the claim amount is more than Rs 25 lakhs.
- e. Arbitrator appointment is done through a computerized automated process wherein neither the Exchange nor the parties are directly involved.

6. (a) I will personally represent the case.

(b) I would represent the case along with my representative _____ in his/her capacity as _____.

(c) On my behalf _____ will represent in his/her capacity as _____.

* Investor may attend the Arbitration proceedings and defend the matter on his own or appoint Authorized Representative to defend the matter by executing a notarized Power of Attorney. In case investor has appointed a Lawyer/Advocate to represent his case, then a duly signed Vakalatnama will be required.

Place*: _____

Date*: _____

* Mandatory

Respondent's Signature*

ANNEXURE A

Amount of deposit towards cost of arbitration

The Arbitration Fees which has to be deposited is determined by the amount of the claim initially and thereafter determined based on a higher counter claim, if any, and is as specified below. The fee structure (exclusive of statutory dues - stamp duty, service tax, etc.) for filing arbitration reference shall be as indicated under:-

Amount of Claim / Counter Claim, whichever is higher (Rs.)	If claim is filed within six months from the date of dispute	If claim is filed after six months from the date of dispute or after one month from the date of IGRP order, whichever is later	If the claim is filed beyond the timeline prescribed in column 3, (only for member)
≤ 10,00,000	1.3% subject to a minimum of Rs.10,000	3.9% subject to a minimum of Rs.30,000	Additional fee of Rs. 3,000/- per month over and above fee prescribed in column 3
> 10,00,000 - 25,00,000 ≤	Rs. 13,000 plus 0.3% amount above Rs. 10 lakh	Rs. 39,000 plus 0.9% amount above Rs. 10 lakh	Additional fee of Rs. 6,000/- per month over and above fee prescribed in column 3
> 25,00,000	Rs. 17,500 plus 0.2 % amount above Rs. 25 lakh subject to maximum of Rs. 30,000	Rs. 52,500 plus 0.6 % amount above Rs. 25 lakh subject to maximum of Rs.90,000	Additional fee of Rs. 12,000/- per month over and above fee prescribed in column 3

Explanation: The six months period referred hereinabove shall be computed from the end of the quarter during which the disputed transaction (s) were executed/ settled, whichever is relevant for the dispute, and after excluding:

- Time taken by trading member to resolve the dispute of the investor or one month from the date of receipt of dispute by the member, whichever is earlier is exempt while calculating the six-month period.
- Time taken by the Investor Service Cell of Exchange to resolve the dispute will be exempted while calculating the six-month period

- The arbitration fees as specified above shall be utilized to meet the fees payable to the Arbitrator. The arbitrator fee shall be Rs.18,000/- per case per arbitrator. In case the Arbitrator's fees are greater than the fees as specified above, the additional expenses attributable to the Constituent/Investor, shall be borne by the Constituent (wherever applicable) and the Exchange equally. The total expense attributable to the trading member has to be borne by the concerned Trading Member.
- If the amount of claim/counterclaim is less than or equal to Rs.20 lakhs, then the cost of arbitration with respect to the Constituent, whether Applicant or Respondent, shall be borne by the Exchange.

Please note that statutory dues - stamp duty, service tax, etc. are required to be paid additionally. The Stamp duty payable on the award shall be as per the State Stamp Act or Indian Stamp Act as applicable.

Annexure B

Mandate to be included in Form II**Authorization letter to be given by Trading Member / Clearing Member
[Regulation 5.8 (a)]**

(On letter head of Trading / Clearing member)

To

Date:

The Arbitration Department
National Stock Exchange of India Limited
Exchange Plaza, 5th floor,
Plot No. C/1, G Block,
Bandra-Kurla Complex,
Bandra (E),
Mumbai – 400 051

Dear Sir / Madam,

I Mr/Ms....., (designation) of
.....(name of trading member / clearing
member name) hereby authorize the Exchange to debit all the costs relating to
arbitration matterfrom our 'Exchange Dues Account'.

Name, Signature & Seal*

Place:

*Should be signed by a Proprietor / Designated Partner / Designated Director

GUIDELINES

While applying for Arbitration the following things need to be mandatorily provided

1	The documents have been submitted in requisite sets: Sets of 3 where claim value < Rs 25 lacs Sets of 5 where claim value > = Rs 25 lacs	
2	Statement of Case is attached	
3	Payment towards the Arbitration is made	
4	Discrete date of dispute is stated	
5	Nature and value of claim is stated	
6	List of 3 / 5 Arbitrators is provided	
7	Applicant correspondence and PAN details stated	
8	Form II is dated and signed	

Note: In case the details of the form are not filled as required, the same might be considered as deficiency in the application.

Guideline on submission of documents for specific type of disputes along with Form I

1. For matter relating to non-receipt/delay in receipt of funds and securities –

- | | |
|---|------------------------------------|
| a. Statement of defense/counter claim | b. Ledger statement |
| c. Statement of Accounts for Funds / Securities | d. Contract Notes |
| e. Demat statement | f. Proof of delivery of securities |
| g. Proof of payment (Bank statement) | h. any other relevant document |

2. For matter relating to Closing out/Squaring up of positions without consent –

- | | |
|---|------------------------------------|
| a. Statement of defense/counter claim | b. Ledger statement |
| c. Statement of Accounts for Funds / Securities | d. Contract Notes |
| e. Margin statement | f. Demat statement |
| g. Proof of payment (Bank statement) | h. Proof of delivery of securities |
| i. any other relevant document | |

3. For matter relating to execution of trade without authorization –

- | | |
|---|---------------------|
| a. Statement of defense/counter claim | b. Contract Notes |
| c. Statement of Accounts for Funds / Securities | d. Ledger statement |
| e. any other relevant document | |

4. For matter relating to issue of brokerage/interest/penalty/commission or other charges –

- | | |
|---------------------------------------|---|
| a. Statement of defense/counter claim | b. Statement of Accounts for Funds / Securities |
| c. Ledger statement | d. Proof of agreed terms relating to charges |
| e. any other relevant document | |

4. For matter relating to recovery of outstanding debit balance –

- | | |
|---------------------------------------|---|
| a. Statement of defense/counter claim | b. Statement of Accounts for Funds / Securities |
| c. Ledger statement | d. Contract notes |
| e. any other relevant document | |

The above-mentioned documents may be submitted along with any other documents that are relevant for the resolution of the dispute. Please note that the soft copies of the documents mentioned above has to be submitted along with submission of the physical copy.