**Form No. IIA**

**Arbitration Defense**

Regulation 5.9 (h)

(To be used for cases filed against listed companies only)

**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.\* |  |  |

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**

* If the amount of claim/counterclaim is less than or equal to Rs.10 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.10 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 the favour of **National Stock Exchange of India Limited**

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

The deposits shall not exceed the amount as indicated in **Annexure A.** Statutory dues - stamp duty, service tax, etc. are required to be paid additionally.

**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:**

* 1. The list of Arbitrators is available on the Exchange website at [Home](http://www.nseindia.com/index_nse.htm)>[Domestic Investor](http://www.nseindia.com/invest/content/domestic_investor.htm)>[Arbitration](http://www.nseindia.com/invest/content/about_arbitration.htm)>About Arbitration. Please select the arbitrators from the regional list of arbitrators where the case is filed.
	2. 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 cases.
	3. 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.
	4. Form I 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.
	5. 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 Laywer/Advocate to represent his case, then a duly signed Vakalatnama will be required

Respondent’s Signature\*

Place\*: \_\_\_\_\_\_\_\_\_\_\_\_

Date\*: \_\_\_\_\_\_\_\_\_\_\_\_\_

\* Mandatory

**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 filling 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 the 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.10 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.**

**CHECKLIST**

While submitting the Form IIA 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 defense is attached |  |
| 3 | Payment towards the Arbitration is made |  |
| 4 | List of 3 / 5 Arbitrators is provided |  |
| 5 | Form IIA is dated and signed |  |

Note: In case the details of the form are not filled as required, the same might be considered as deficiency. Please note that the soft copies of the documents mentioned above has to be submitted along with submission of the physical copy.