

MICIA

• Mumbai • Delhi • Bengaluru



ADVANTAGES OF MCIA ARBITRATION OVER AD HOC ARBITRATION

ASPECT OF PROCEDURE	MCIA	AD HOC ARBITRATION
 <p>Appointment of arbitrator</p>	<p>The MCIA Rules provide precise timelines for the appointment of the tribunal in various scenarios (sole arbitrator, three arbitrators, multiparty proceeding etc.).</p>	<p>Parties have to approach the courts to secure arbitrator appointments.</p>
 <p>Arbitrator challenges</p>	<p>The MCIA Rules have provisions dealing with the challenge of arbitrator(s), and if necessary, the replacement of the arbitrator(s).</p>	<p>Parties will have to approach the courts to challenge arbitrator(s) and seek a replacement. This can lead to delays and costs</p>
 <p>Fees</p>	<p>The MCIA Rules provide an upfront fee schedule, which define an upper limit for arbitrators' fees as well the MCIA administrative fee.</p>	<p>Parties may have to negotiate the fees with the arbitrator(s).</p>
 <p>Supervision of arbitration proceedings</p>	<p>The MCIA Secretariat and the Council supervise the conduct of arbitration proceedings under the MCIA Rules.</p>	<p>There is no institutional supervision of proceedings.</p>
 <p>Consolidation of proceedings</p>	<p>The MCIA Rules have specific provisions dealing with the consolidation of proceedings.</p>	<p>No such procedure is available, which may lead to conflicting awards and/or increased costs.</p>
 <p>Appointment of emergency arbitrator for urgent interim relief</p>	<p>The MCIA Rules provide a mechanism for the appointment of an emergency arbitrator to grant interim relief in appropriate circumstances.</p>	<p>Parties will have to approach a court of law to seek interim relief, before the appointment of the arbitral tribunal.</p>
 <p>Scrutiny of awards</p>	<p>The MCIA Rules provide for scrutiny of draft awards, so that the MCIA Registrar can suggest modifications to the form of the draft award (without affecting the Tribunal's liberty of decision).</p>	<p>There is no scrutiny of awards process in an ad hoc arbitration.</p>