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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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+ **ARB.P. 365/2015**

S.N. SUNDERSON & COMPANY Petitioner
Through: Mr. Jayant K. Mehta, Mr. Pulkit
Aggarwal, Mr. Abhijeet Srivastava, Advocates

versus

M/S CHANDOK MACHINERIES Respondent
Through: Mr. Avi Singh, Ms. Megha Bhal and
Mr. Ajay Verma, Advocates for Applicant.

CORAM: JUSTICE S.MURALIDHAR

ORDER

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03.01.2017

IA 10 of 2017(exemption)

1. Allowed, subject to all just exceptions.

IA 9 of 2017

2. Notice. Mr. Jayant K. Mehta, learned counsel for the non-Applicant accepts notice and raises an objection as to the maintainability of the present application. He says that the application in effect seeks to challenge the orders passed by the Arbitral Tribunal ('AT') on the issue of the fees to be paid to the AT.

3. The application in effect does question the orders passed by the AT on 10th August, 2016, 8th September, 2016 and 4th November, 2016.

4. Apart from the above issue of maintainability, the substantive issues that arise in this application are whether in terms of the Fourth Schedule of the Arbitration and Conciliation Act, 1996 ('Act'), the fee payable on a claim of above Rs. 10 crores and up to 20 crores would be Rs. 12,37,500 plus 0.75% of the claim over and above Rs.1 crore (as has been printed in the Fourth Schedule) or over and above Rs. 10 crores, as it should be when it is compared with the other entries in the table. The other issue is whether the fee so determined is payable to the AT as a whole or to each individual member of the AT.

5. On the above issues a detailed hearing would be required. The parties will file their respective notes of submissions on the above issues before the next date.

6. List on 1st February, 2017.

S.MURALIDHAR, J

JANUARY 03, 2017

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