

Part I, Chapter III - Composition of arbitral tribunal

Use a neutral appointment mechanism, disclosure matrix and replacement protocol that cannot be controlled unilaterally by an interested party.

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India-first professional reference

Source status: Current architecture and amendment footnotes are mapped to the official India Code consolidation marked "As on 1 June 2026". This page is a detailed implementation publication, not a substitute for the signed Gazette, event-date law, applicable High Court rules or matter-specific advice. Open official Act PDF.

Dedicated Finin2min Summary - Chapter in 2 Minutes

- Use a neutral appointment mechanism, disclosure matrix and replacement protocol that cannot be controlled unilaterally by an interested party.
- Use the current India Code consolidation as on 1 June 2026 together with amendment footnotes and event-date law.
- Convert every section into an owner, deadline, evidence and remedy control.
- Separate seat, venue, governing law, court and institutional rules.
- Do not treat arbitration as a substitute for proof of contract, performance, authority, loss or limitation.

Section-by-section provision map

Provision / gate	Statutory focus	Finin2min decode	Implementation	Evidence / control
Section 10	Number of arbitrators.	Section 10 addresses number of arbitrators.	Identify actor, trigger, conditions, provisos, exceptions, consequence and linked provisions before acting.	Current source, contract, authority, notices, procedural record and outcome evidence.
Section 11	Appointment of arbitrators.	Provides the court/ institutional appointment route when the agreed procedure fails; neutrality and limited referral review govern.	Serve a clear appointment request, follow the clause, screen conflicts and avoid unilateral interested appointments.	Clause, notice/ service, response, disclosure and appointment petition.
Section 11A	Power of Central Government to amend Fourth Schedule.	Section 11A addresses power of central government to amend fourth schedule.	Identify actor, trigger, conditions, provisos, exceptions, consequence and linked provisions before acting.	Current source, contract, authority, notices, procedural record and outcome evidence.
Section 12	Grounds for challenge.	Requires disclosure of circumstances affecting independence/impartiality or availability; section 12(5) and Seventh Schedule create ineligibility subject to post-dispute express written waiver.	Run Fifth/Seventh Schedule screening before acceptance and update throughout.	Sixth Schedule disclosure, conflict search, availability calendar and waiver.
Section 13	Challenge procedure.	Section 13 governs tribunal/Council	Map appointing power, eligibility, notice, deadline, disclosure,	Clause/rule, notices, CV/ disclosure,

Provision / gate	Statutory focus	Finin2min decode	Implementation	Evidence / control
		constitution or office: Challenge procedure.	decision maker and replacement.	appointment and challenge record.
Section 14	Failure or impossibility to act.	Section 14 addresses failure or impossibility to act.	Identify actor, trigger, conditions, provisos, exceptions, consequence and linked provisions before acting.	Current source, contract, authority, notices, procedural record and outcome evidence.
Section 15	Termination of mandate and substitution of arbitrator.	Section 15 affects time or procedural status: Termination of mandate and substitution of arbitrator.	Record trigger date, service, suspension/ termination, consequence and next deadline.	Chronology, notice, order and limitation sheet.

Finin2min clause-by-clause decode

Section 10 - Number of arbitrators.

Section 10 addresses number of arbitrators.

Implementation: Identify actor, trigger, conditions, provisos, exceptions, consequence and linked provisions before acting.

Evidence: Current source, contract, authority, notices, procedural record and outcome evidence.

Section 11 - Appointment of arbitrators.

Provides the court/institutional appointment route when the agreed procedure fails; neutrality and limited referral review govern.

Implementation: Serve a clear appointment request, follow the clause, screen conflicts and avoid unilateral interested appointments.

Evidence: Clause, notice/service, response, disclosure and appointment petition.

Section 11A - Power of Central Government to amend Fourth Schedule.

Section 11A addresses power of central government to amend fourth schedule.

Implementation: Identify actor, trigger, conditions, provisos, exceptions, consequence and linked provisions before acting.

Evidence: Current source, contract, authority, notices, procedural record and outcome evidence.

Section 12 - Grounds for challenge.

Requires disclosure of circumstances affecting independence/impartiality or availability; section 12(5) and Seventh Schedule create ineligibility subject to post-dispute express written waiver.

Implementation: Run Fifth/Seventh Schedule screening before acceptance and update throughout.

Evidence: Sixth Schedule disclosure, conflict search, availability calendar and waiver.

Section 13 - Challenge procedure.

Section 13 governs tribunal/Council constitution or office: Challenge procedure.

Implementation: Map appointing power, eligibility, notice, deadline, disclosure, decision maker and replacement.

Evidence: Clause/rule, notices, CV/disclosure, appointment and challenge record.

Section 14 - Failure or impossibility to act.

Section 14 addresses failure or impossibility to act.

Implementation: Identify actor, trigger, conditions, provisos, exceptions, consequence and linked provisions before acting.

Evidence: Current source, contract, authority, notices, procedural record and outcome evidence.

Section 15 - Termination of mandate and substitution of arbitrator.

Section 15 affects time or procedural status: Termination of mandate and substitution of arbitrator.

Implementation: Record trigger date, service, suspension/termination, consequence and next deadline.

Evidence: Chronology, notice, order and limitation sheet.

Finin2min implementation explanation

Create one matter control sheet containing clause, seat, governing law, institution/rules, tribunal, court, claims, counterclaims, limitation, procedural calendar, budget, evidence, settlement authority and source version. Assign business, legal, finance and document owners.

Practical examples and calculations

- **Section 10:** Example control: for section 10, prepare a fact-to-provision matrix for number of arbitrators, identify evidence for every condition and separately calculate time, principal, interest, fee, cost or security from source records.
- **Section 11:** Example control: for section 11, prepare a fact-to-provision matrix for appointment of arbitrators, identify evidence for every condition and separately calculate time, principal, interest, fee, cost or security from source records.
- **Section 11A:** Example control: for section 11A, prepare a fact-to-provision matrix for power of central government to amend fourth schedule, identify evidence for every condition and separately calculate time, principal, interest, fee, cost or security from source records.
- **Section 12:** Example control: for section 12, prepare a fact-to-provision matrix for grounds for challenge, identify evidence for every condition and separately calculate time, principal, interest, fee, cost or security from source records.
- **Section 13:** Example control: for section 13, prepare a fact-to-provision matrix for challenge procedure, identify evidence for every condition and separately calculate time, principal, interest, fee, cost or security from source records.

Quantum framework: separate principal, admitted amount, disputed amount, set-off/counterclaim, contractual/statutory interest, tax, costs, security, payments and mitigation. Preserve a reproducible spreadsheet and source documents.

Practical transaction application

At contract stage, define scope, seat/venue, governing law, institution/rules, tribunal number/appointment, language, notices, interim relief, confidentiality, consolidation/joiner, emergency relief, costs and survival. Link performance, acceptance, price, tax and change-control records to the dispute clause.

Authority, consent and execution controls

Verify legal entity, board/partner/delegated authority, power of attorney, notice authority, arbitrator appointment authority, pleading affidavit, settlement limits and payment/security approval. Preserve changes in directors/partners and insolvency status.

Stamp duty and registration alerts

The arbitration agreement may be in a stamped instrument. Under current Supreme Court law, stamping defects require a curative statutory process and do not by themselves erase the arbitration agreement; however admissibility, impounding, State rates and the underlying transaction still require current jurisdiction-specific review. Awards and settlements may also attract stamp/registration consequences by subject matter and State law.

Evidence and document-retention checklist

Maintain legal hold, originals register, immutable exports, metadata, contract versions, notices/service, procedural orders, pleadings, document production, witness/expert files, transcripts, award, court records, security/payment and source-version hashes. Retention continues through challenge, enforcement and limitation.

- Executed contract and amendments
- Clause/rules version
- Authority and power of attorney
- Notices and service evidence
- Chronology and limitation sheet
- Invoices, delivery and GST records
- Pleadings and procedural orders
- Document production index
- Witness and expert files
- Hearing transcript/record
- Award/settlement and delivery
- Court, security and payment records

Performance, delivery and payment controls

Tie obligations to deliverables, acceptance criteria, change orders, certification, invoices, tax documents, payment milestones, retention, liquidated damages and cure notices. Quantify admitted, disputed, set-off and counterclaim amounts separately.

Breach, loss, mitigation and remedy framework

Stop avoidable loss, preserve evidence, serve contract/statutory notices, offer cure where required, mitigate, secure assets/evidence, quantify causation/remoteness, choose interim relief and maintain consistent civil/arbitration/insolvency strategy.

Limitation and forum controls

Use separate clocks for cause of action, contractual notice/cure, section 21 commencement, section 11 petition, pleadings, award, section 33, section 34, section 37, enforcement, foreign-award objections and insolvency. Confirm exclusion, acknowledgement and court holidays from current law.

Arbitration and mediation interface

Arbitration, conciliation and mediation are distinct. Define when negotiation/mediation pauses or does not pause limitation, how settlements are authenticated, and how court/tribunal proceedings are stayed, withdrawn or converted into an award/settlement order.

Company, partnership, GST and tax overlays

Companies/LLP/partnership law controls authority and liability; GST/income tax affects invoice evidence, damages, interest, withholding and settlements; FEMA governs cross-border payment/award remittance; IBC may impose moratorium and claim filing; accounting standards govern provisions, contingent liabilities and award recognition.

Chapter-specific decision flowchart

Part I, Chapter III - Composition of arbitral tribunal - decision flow



At each gate: verify current law, authority, limitation, evidence, quantum, remedy and cross-law overlays.

Finin2min Q&A

Is venue always the legal seat?

No. The clause, institutional rules and surrounding language must be analysed; the legal seat determines curial law and supervisory court.

Does filing a section 34 petition automatically stay enforcement?

No. A separate stay application/order is required under section 36, subject to the current statutory provisos.

Can an interested party unilaterally appoint the sole arbitrator?

Current Supreme Court neutrality jurisprudence makes such mechanisms high risk or invalid; use a neutral appointment process.

Does an unstamped contract make the arbitration clause non-existent?

Current Supreme Court law treats stamping as a curable issue and preserves separability; State stamp procedure and admissibility still require compliance.

Can a section 34 court re-hear the merits?

No. The court applies statutory grounds and current Supreme Court law; it is not a regular appeal.

Does negotiation automatically stop limitation?

No. Use a written standstill where lawful and calculate limitation under the Act, Limitation Act, acknowledgements and exclusions.

Can foreign awards be refused because the court disagrees with the facts?

Ordinarily no. Part II provides limited refusal grounds and excludes a merits review.

Should settlement authority be assumed from litigation authority?

No. Obtain specific board/partner/delegated authority and document tax, payment, release and default consequences.