



## **ILSCA Schedule of Fees for Arbitration**

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## **INTRODUCTORY**

### **Our Philosophy**

We at ILSCA believe that all the things that we do for our users — selecting an arbitrator, negotiating fees, managing the finances, supervision —can be done more conveniently, more effectively and at less cost, than could the parties themselves. This is where we believe ILSCA adds value to arbitration. ILSCA has tried its best to keep the cost of Arbitration competitive. As a not-for-profit organization, ILSCA seeks to recover, by way of fees, what it costs ILSCA to provide its administrative services. Our fee scales reflect these guiding principles.

### **How the Fees Apply**

The costs of arbitration in arbitrations, particularly in ad hoc arbitrations ordinarily include arbitrator's fee, travel expenses of the arbitrator, expenses of witnesses including their travel expenses, expenses incurred for services of the stenographer, translation and interpretation charges, stamp duty on award and other incidental expenses arising out of or in connection with the arbitral proceeding or passing of the award.

In Institutional Arbitration, like ILSCA there is a link created by the institution between the arbitrators and the parties. ILSCA (IA) Rules have been framed to regulate the arbitral proceedings like the procedures for the appointment, challenge and substitution of arbitrators; ethical rules that specify duties and responsibilities of arbitrators; clerical and administrative services required for conducting arbitral proceedings. ILSCA provides administrative services like receiving written applications by the parties, serve notices, etc. and also provide premises for the hearings. ILSCA has ILSCA Schedule of Fees - Arbitration that makes the cost of arbitration predictable. In ILSCA assisted arbitrations it is possible for the parties to foresee the total cost of arbitrations according to their amount of claim.

Costs of arbitration incurred during arbitral proceedings may be broadly classified into two categories. The first category may be said to include the expenses parties incur, such as costs of legal representation, witnesses, and party-appointed experts.

The second category of costs include the procedural costs of arbitration, like institutional administrative fees, arbitrators' fees and expenses, fees for tribunal secretaries, if appointed and other logistical expenses incurred during the proceedings. Thus, the term "costs" includes mainly two types of costs: 1. Party costs and 2. Procedural costs.

Under ILSCA (IA) Rules only the procedural costs are provided which parties will incur for arbitrations conducted as per ILSCA (IA) Rules.

Where a dispute is administered according to ILSCA (IA) Rules or where dispute is referred by High Court or the Supreme Court, as the case may be, to be administered as per ILSCA (IA) Rules, parties have to pay Non-refundable ILSCA Filing Fee, ILSCA Administrative Fee and the Arbitral Tribunal fee. These fees vary according to the amount of the Claim or the Counterclaim.

In cases falling outside ILSCA (IA) Rules, where parties merely seek help from ILSCA for appointment of arbitrator/s, there is a charge known as Arbitrator Appointment Fee mentioned in the ILSCA Schedule of Fees - Arbitration. The Arbitrator Appointment Fee, is a flat fee, not dependent on the amount of the Claim or the Counterclaim.

## **ILSCA SCHEDULE OF FEES – ARBITRATION**

ILSCA Schedule of Fees - Arbitration is effective from 10<sup>th</sup> January 2020 and is applicable to all arbitrations commenced on or after 10<sup>th</sup> January 2020 in accordance with ILSCA (IA) Rules. This Schedule of Fees may be amended from time to time and any revised Schedule of Fees shall take effect from the date determined by the Appointing Authority, ILSCA in consultation with Advisory Body of ILSCA.

There are four different types of procedural costs which have to be paid to ILSCA, by the parties who refer their dispute for being administered according to ILSCA (IA) Rules.

1. Non-refundable ILSCA Filing Fee;
2. ILSCA Administrative Fee;
3. Arbitral Tribunal Fee;
4. Tribunal Secretary's Fee.

The first three fees are calculated on the basis of Sum in Dispute which represents the aggregate of the amounts in the Claim and Counterclaim (if any) involved in disputes.

### **1. Non-refundable ILSCA Filing Fee**

The Non-refundable ILSCA Filing Fee is payable by the Claimant at the time of filing a Request for Commencement of Arbitration with Appointing Authority, ILSCA. It shall also be paid by the Respondent along with filing of the Counterclaim, if any. The Non-refundable ILSCA Filing Fee varies according to the sum in dispute.

Where the Claim or Counterclaim resulting from the dispute is undervalued or not quantified, then in that event the Appointing Authority, ILSCA shall at its discretion proceed to revise or fix a value for such claims and the Non-refundable ILSCA Filing Fee shall then be revised or computed accordingly.

### **2. ILSCA Administrative Fee**

ILSCA Administrative fee is utilized towards expenses incurred by ILSCA in the day-to-day administration of arbitrations.

ILSCA Administrative fee is calculated according to the Sum in Dispute.

Where the Claim or Counterclaim resulting from the dispute is undervalued or not quantified, then in that event the Appointing Authority, ILSCA shall at its discretion proceed to revise or fix a value for such claims and the ILSCA Administrative Fee shall then be revised or computed accordingly.

ILSCA Administrative Fee is to be shared equally between the Claimant and the Respondent. The Claimant has to pay his share at the time of filing of Statement of Claim and the Respondent has to pay his share at the time of filing of Response.

The ILSCA Administrative fee does not include the following:

- Fees of the Arbitral Tribunal;
- Expenses of the Arbitrator(s) - Out of pocket expenses (like amount spent by the Arbitrators for their travel, lodging and boarding etc.);
- Usage cost of facilities provided by ILSCA mentioned as under:

#### **Usage cost of the Arbitration hearing rooms;**

- i. Usage cost of video/audio conference facilities;

- ii. Cost of other services like transcription and interpretation services;
- iii. Any other support services for and in connection with any hearing e.g., lunch and refreshments.

### **3. Arbitral Tribunal Fee:**

Arbitral Tribunal Fee is payable to the Appointing Authority, ILSCA. The parties shall not directly pay the fees to the arbitrators.

The Arbitral Tribunal Fees is to be shared equally by the Claimant and the Respondent as per Fee Payment Schedule provided below.

The Arbitral Tribunal Fee is ascertained according to the Sum in Dispute.

Where dispute is referred by the High Court or the Supreme Court to be administered according to the ILSCA (IA) Rules, the Arbitral Tribunal Fee is ascertained as per the ILSCA Schedule of Fees - Arbitration, unless the Court directs otherwise.

Where the Claim or the Counterclaim resulting from the dispute is undervalued or not quantified, then in that event the Appointing Authority, ILSCA shall at its discretion proceed to revise or fix a value for such claims and the Arbitral Tribunal Fee shall then be revised or computed accordingly.

### **4. Tribunal Secretary's Fees**

The fees of a Tribunal Secretary shall be 10% of the total fees of the Arbitral Tribunal, unless otherwise decided by Arbitral Tribunal and the parties.

The parties are jointly and severally liable for the fees and expenses of a Tribunal Secretary.

Any fees charged by, or expenses viz. travel, lodging and boarding etc. incurred by the Tribunal Secretary, to be reimbursed by the parties, shall form a part of cost of the arbitration determined by ILSCA.

Payments to Tribunal Secretary shall be made at the same time when payments are made to the Arbitral Tribunal. Such payments shall be made by ILSCA from funds deposited by the parties, after deducting an administrative fee for the purposes of appointment of Tribunal Secretary payable to ILSCA which shall not exceeding 15% of the tribunal secretary's fee. All payments to a Tribunal Secretary shall be made in Indian Rupees.

The Tribunal Secretary will not be bound to provide the services sought if the agreed fees have not been paid by the parties.

### **Miscellaneous**

- The parties shall be jointly and severally liable to ILSCA for the costs of the arbitration (other than the legal or other costs incurred by the parties themselves).
- Any bank charges incurred on any transfer of funds by the parties to ILSCA shall be borne exclusively by the party or parties transferring the funds.
- In accordance with Rule 48.14 of the ILSCA (IA) Rules, the Appointing Authority, ILSCA shall have a lien on the final arbitral award for any unpaid Arbitral Tribunal's fees, unpaid charges or any other amount due to ILSCA.

### **Non-refundable ILSCA Filing Fee**

| <b>Sum in Dispute*<br/>(INR)</b>                           | <b>Non-refundable<br/>ILSCA Filing Fee<br/>(INR)</b> |
|--|--|
| Up to 5 Lakhs<br>(5,00,000)                                | 7,000  |
| 5 Lakhs to 10 Lakhs<br>(5,00,001 to 10,00,000)             | 7,500  |
| 10 Lakhs to 25 Lakhs<br>(10,00,001 to 25,00,000)           | 10,000   |
| 25 Lakhs to 50 Lakhs<br>(25,00,001 to 50,00,000)           | 15,000   |
| 50 Lakhs to 1 Crore<br>(50,00,001 to 1,00,00,000)          | 20,000   |
| 1 Crore to 5 Crores<br>(1,00,00,001 to 5,00,00,000)        | 30,000   |
| 5 Crores to 10 Crores<br>(5,00,00,001 to 10,00,00,000)     | 50,000   |
| 10 Crores to 20 Crores<br>(10,00,00,001 to 20,00,00,000)   | 75,000   |
| 20 Crores to 50 Crores<br>(20,00,00,001 to 50,00,00,000)   | 90,000   |
| 50 Crores to 100 Crores<br>(50,00,00,001 to 100,00,00,000) | 1,00,000   |

| <b>Sum in Dispute*<br/>(INR)</b>                             | <b>Non-refundable<br/>ILSCA Filing Fee<br/>(INR)</b> |
|--|--|
| 100 Crores to 500 Crores<br>(100,00,00,001 to 500,00,00,000) | 1,50,000   |
| Above 500 Crores<br>(500,00,00,001)                          | 1,50,000   |

\* The term “Sum in Dispute” represents the aggregate of the Claim amount and Counterclaim amount, if any.

\* Taxes as applicable.

### **ILSCA Administrative Fee**

| <b>Sum in Dispute*<br/>(INR)</b>                         | <b>Administrative Fees<br/>(INR)</b>  |
|--|---|
| Up to 5 Lakhs<br>(5,00,000)                              | 40,000  |
| 5 Lakhs to 10 Lakhs<br>(5,00,001 to 10,00,000)           | 50,000  |
| 10 Lakhs to 25 Lakhs<br>(10,00,001 to 25,00,000)         | 80,000  |
| 25 Lakhs to 50 Lakhs<br>(25,00,001 to 50,00,000)         | 1,00,000  |
| 50 Lakhs to 1 Crore<br>(50,00,001 to 1,00,00,000)        | 1 Lakh + 1% of the amount over 50 Lakhs<br>(maximum in the category: 2 Lakhs)     |
| 1 Crore to 5 Crores<br>(1,00,00,001 to 5,00,00,000)      | 2 Lakhs + 0.4% of the amount over 1 Crore<br>(maximum in the category: 4 Lakhs)   |
| 5 Crores to 10 Crores<br>(5,00,00,001 to 10,00,00,000)   | 4 Lakhs + 0.2% of the amount over 5 Crores<br>(maximum in the category: 6 Lakhs)  |
| 10 Crores to 20 Crores<br>(10,00,00,001 to 20,00,00,000) | 5 Lakhs + 0.1% of the amount over 10 Crores<br>(maximum in the category: 7 Lakhs) |



| <b>Sum in Dispute*<br/>(INR)</b>                             | <b>Administrative Fees<br/>(INR)</b>  |
|--|---|
| 20 Crores to 50 Crores<br>(20,00,00,001 to 50,00,00,000)     | 6 Lakhs + 0.1% of the amount over 20 Crores<br>(maximum in the category: 9 Lakhs)         |
| 50 Crores to 100 Crores<br>(50,00,00,001 to 100,00,00,000)   | 9 Lakhs + 0.05% of the amount over 50 Crores<br>(maximum in the category: 11.5 Lakhs)     |
| 100 Crores to 500 Crores<br>(100,00,00,001 to 500,00,00,000) | 11.5 Lakhs + 0.02% of the amount over 100 Crores<br>(maximum in the category: 19.5 Lakhs) |
| Above 500 Crores<br>(500,00,00,001)                          | 22.5 Lakhs + 0.008% of the amount over 500 Crores   |

\* The term “Sum in Dispute” represents the aggregate of the Claim amount and Counterclaim amount, if any.

\* Taxes as applicable.

### **Arbitral Tribunal Fee**

| <b>Sum in Dispute*<br/>(INR)</b>                  | <b>Fee Payable*<br/>(INR)</b>             |
|---|---|
| Up to 5 Lakhs<br>(5,00,000)                       | 55,000                                    |
| 5 Lakhs to 10 Lakhs<br>(5,00,001 to 10,00,000)    | 55,000 + 4.5% of the amount over 5 Lakhs  |
| 10 Lakhs to 25 Lakhs<br>(10,00,001 to 25,00,000)  | 77,500 + 4.5% of the amount over 10 Lakhs |
| 25 Lakhs to 50 Lakhs<br>(25,00,001 to 50,00,000)  | 1,45,000 + 4% of the amount over 25 Lakhs |
| 50 Lakhs to 1 Crore<br>(50,00,001 to 1,00,00,000) | 2,45,000 + 4% of the amount over 50 Lakhs |

| <b>Sum in Dispute*<br/>(INR)</b>                             | <b>Fee Payable*<br/>(INR)</b>   |
|--|---|
| 1 Crore to 5 Crores<br>(1,00,00,001 to 5,00,00,000)          | 4,45,000 + 2.5% of the amount over 1 Crore  |
| 5 Crores to 10 Crores<br>(5,00,00,001 to 10,00,00,000)       | 14,45,000 + 2% of the amount over 5 Crores  |
| 10 Crores to 20 Crores<br>(10,00,00,001 to 20,00,00,000)     | 24,45,000 + 1% of the amount over 10 Crores                                       |
| 20 Crores to 50 Crores<br>(20,00,00,001 to 50,00,00,000)     | 34,45,000 + 0.5% of the amount over 20 Crores                                     |
| 50 Crores to 100 Crores<br>(50,00,00,001 to 100,00,00,000)   | 49,45,000 + 0.2% of the amount over 50 Crores                                     |
| 100 Crores to 500 Crores<br>(100,00,00,001 to 500,00,00,000) | 59,45,000 + 0.01% of the amount over 100 Crores                                   |
| Above 500 Crores<br>(500,00,00,001)                          | 63,45,000 + 0.1% of the amount over 500 Crores<br><br>(To a maximum of 80,00,000) |

\* The term “Sum in Dispute” represents the aggregate of the Claim amount and Counterclaim amount, if any.

\* The Arbitral Tribunal Fee schedule indicates the fee payable to each Arbitrator comprising the Arbitral Tribunal.

In the event, the Arbitral Tribunal is a sole arbitrator, he shall be entitled to an additional amount of twenty-five per cent (25%) of the fee payable as per the table set out above.

Taxes as applicable.

### **Emergency Arbitrator’s Fee**

The following fees shall be payable when a party makes an application for appointment of an Emergency Arbitrator under the ILSCA (IA) Rules:

1. Non-refundable ILSCA Filing Fee for application for appointment of Emergency Arbitrator: INR 10,000/-
2. ILSCA Administrative Fee for appointment of an Emergency Arbitrator: INR 80,000/-.
3. Emergency Arbitrator's Fees: The Emergency Arbitrator's fees shall be capped at 20% of a sole arbitrator's fee calculated in accordance with the Schedule of Fees in force at the time of commencement of the arbitration, but shall not be less than INR 2,50,000/-.
4. If the timeline for a decision on an application seeking urgent interim reliefs/measures of protection is extended, the Appointing Authority, ILSCA may require parties to pay additional amount of fee up to 10% of Emergency Arbitrator's Fees mentioned above.

### **Fee For Appointment Arbitrator in Ad hoc Arbitration**

Where a request for appointment of arbitrator(s) is made by the parties in an ad hoc arbitration the Fee for Appointment of Arbitrator is payable. Such Fee does not include Arbitrator's Fee.

The party requesting such appointment shall pay the fee to ILSCA (as mentioned below) along with the application for appointment of the arbitrator.

| <b>1 Arbitrator</b> | <b>2 Arbitrators</b> | <b>3 Arbitrators</b> |
|---------------------|----------------------|----------------------|
| INR 50,000*         | INR 65,000*          | INR 80,000*          |

\* Taxes as applicable.

### **FEE PAYMENT TERMS**

- The ILSCA Administrative Fee and the Arbitral Tribunal Fee shall be payable in equal shares by the parties subject to the cost of Arbitration as may be finally determined by the Arbitral Tribunal.
- Where one party fails to pay his share of ILSCA Administrative Fee and the Arbitral Tribunal Fee, the other party may pay that share.
- All Fees to ILSCA shall be paid in Indian Rupee (INR).

- If the amount paid in a domestic arbitration is in a currency other than Indian Rupee (INR), it shall be converted into INR at the current official rate of exchange.
- Taxes are applicable additionally on all the above-mentioned Fees.
- Tax Deductible at Source (TDS) will be deducted as applicable.

### **FEE PAYMENT SCHEDULE**

#### **Non-refundable ILSCA Filing Fee**

- The entire amount of non-refundable ILSCA Filing fee is to be paid by the Claimant along with filing of Request for Commencement of Arbitration.
- The entire amount of non-refundable ILSCA Filing fee is to be paid by the Respondent along with filing of Counterclaim, if any.

#### **ILSCA Administrative Fee : Claim and Response**

| Sr. No. | Stage of the case  | Fee payable   |
|---------|--|---|
| 1.      | At the time of filing the Statement of Claim   | 25% of the ILSCA Administrative Fee, by the Claimant                            |
| 2.      | At the time of filing of Response by the Respondent to Request for commencement of arbitration | 25% of the ILSCA Administrative Fee, by the Respondent                          |
| 3       | Within 10 days of the Completion of pleadings  | 30% of the ILSCA Administrative Fee, by the Claimant and the Respondent equally |
| 4       | Before the date of case management conference  | 20% of the ILSCA Administrative Fee, by the Claimant and the Respondent equally |

#### **ILSCA Administrative Fee : Counterclaim and Reply**

| Sr. No. | Stage of the case | Fee payable |
|---------|-------------------|-------------|
|---------|-------------------|-------------|

|   |  |   |
|---|--|---|
| 1 | At the time of filing the Counterclaim                             | 25% of the ILSCA Administrative Fee, by the Respondent                          |
| 2 | At the time of filing of Reply by the Claimant to the Counterclaim | 25% of the ILSCA Administrative Fee, by the Claimant                            |
| 3 | Within 10 days of the filing of reply by the Claimant              | 30% of the ILSCA Administrative Fee, by the Claimant and the Respondent equally |
| 4 | Before the date of case management conference                      | 20% of the ILSCA Administrative Fee, by the Claimant and the Respondent equally |

### **Arbitral Tribunal Fee**

| Sr. No. | Stage of the case  | Fee payable  |
|---------|--|--|
| 1       | Within 5 days of on receipt of Arbitrator's Statement for Acceptance, Availability, Impartiality and Independence by the parties sent by the Appointing Authority, ILSCA | 50% of Arbitral Tribunal Fee, by Claimant and the Respondent equally     |
| 2       | Within 2 days from the date of case management conference, arranged by the Arbitral Tribunal   | 25% of Arbitral Tribunal Fee, by Claimant and the Respondent equally     |
| 3       | Within 5 days of the date of receipt by the parties of declaration as to closure of arbitral proceedings by the Arbitral Tribunal  | 25% of Arbitral Tribunal Fee, by the Claimant and the Respondent equally |

### **Fees for Filing of Applications**

The following fees shall be payable when a party or a non-party makes application under the ILSCA (IA) Rules. Application filing fee is to be paid by the party making the application. All the application fees are non-refundable.

- **Application Fee for Request for Joinder of Third Party**

Non-refundable Application Fee for Joinder of Third Party: INR 10,000/-

- **Application Fee for Request for Consolidation of Arbitration**

Non-refundable Application Fee for Consolidation of Arbitration: INR 10,000/-

- **Application Fee for Interpretation or correction of Arbitral Award or additional Arbitral Award**

Non-refundable Application fee for Interpretation or correction of Arbitral Award or additional Arbitral Award: INR 5000/-

- **Application Fee to Challenge appointment of Arbitrator**

Non-refundable Application fee for challenging the appointment of Arbitrator/s or Emergency Arbitrator: INR 10,000/-.

- **Application Fee for Scrutiny of Award**

Non-refundable Application fee for Scrutiny of Award: INR 5000/-

- **Application Fee for FastTrack Procedure**

Non-refundable Application fee for FastTrack procedure: INR 10,000/-

### **Charges towards copies of documents**

A party requesting for copies of documents filed in arbitral proceedings shall pay charges as fixed by the Appointing Authority, ILSCA.

A party requesting for additional copies of the arbitral award certified true by the Appointing Authority shall pay charges as fixed by the Appointing Authority, ILSCA.

### **Travel, Boarding and Lodging for Arbitrators**

- The Arbitrator shall be paid an amount of Rs. 1,500/- towards local conveyance for attending each arbitration held at ILSCA.
- Outstation Arbitrators: If the Arbitrator who does not reside at Pune is appointed, the to and fro travel charges and the boarding and lodging expenses for such Arbitrator will be borne by the parties at actuals on production of vouchers.

### **PREMISES**

## 1. ILSCA Arbitration Hearing Rooms Charges

- **THREE BIG ROOMS** (area 550 sq. ft.)

Seats up to 14 around the table (board style) + 6 audience



Samata (समता)



Vivachan (विवाचन)



Mimansa (मीमांसा)

| Sr. No. | Period                | Charges (INR) | GST @18% (INR) | Total (INR) |
|---------|-----------------------|---------------|----------------|-------------|
| 1       | 8 hours<br>(Full day) | 20,000        | 3,600          | 23,600      |
| 2       | 7 hours               | 17,500        | 3,150          | 20,650      |
| 3       | 6 hours               | 15,000        | 2,700          | 17,700      |
| 4       | 5 hours               | 12,500        | 2,250          | 14,750      |
| 5       | 4 hours               | 10,000        | 1,800          | 11,800      |
| 6       | 3 hours               | 7,500         | 1,350          | 8,850       |
| 7       | 2 hours               | 5,000         | 900            | 5,900       |
| 8       | 1 hour                | 2,500         | 450            | 2,950       |

- **THREE SMALL ROOMS** (area 260 sq. ft.)

Seats up to 7 around the table (board style) + 4 audience



| Sr. No. | Period                | Charges (INR) | GST @18% (INR) | Total Charges (INR) |
|---------|-----------------------|---------------|----------------|---------------------|
| 1       | 8 hours<br>(Full day) | 12,000        | 2,160          | 14,160              |
| 2       | 7 hours               | 10,500        | 1,890          | 12,390              |
| 3       | 6 hours               | 9,000         | 1,620          | 10,620              |
| 4       | 5 hours               | 7,500         | 1,350          | 8,850               |
| 5       | 4 hours               | 6,000         | 1,080          | 7,080               |
| 6       | 3 hours               | 4,500         | 810            | 5,310               |
| 7       | 2 hours               | 3,000         | 540            | 3,540               |
| 8       | 1 hour                | 1,500         | 270            | 1,770               |

## 2. Amenities in the Arbitration Hearing Rooms

- **Basic Amenities (not chargeable)**
  - \* Air conditioning
  - \* Computer
  - \* Free dedicated high-speed Wi-Fi
  - \* TV Screen
  - \* Standard Stationery
  - \* Shredder facility
  - \* White Board



- \* Bottled Water
- \* Two rounds of Tea/Coffee

• **Amenities available on request and on additional cost**

- \* Lunch and Refreshments: Rates on actuals
- \* Transcription Service
- \* Printing and Photocopy: (INR 20.00 / page)
- \* Additional Stationery
- \* Stenographer: Rates on actuals
- \* Integrated Audio-Video Conferencing facilities

### **3. Payment Information**

All Payments shall be made by a local cheque from an Indian Bank payable to **Indian Law Society's Centre for Arbitration (ILSCA)** or by Bank Transfer.

Payments can also be made by demand draft or pay order in favour of **Indian Law Society's Centre for Arbitration (ILSCA)**.

For Bank Details Please contact any one of the contact persons: Details as provided below.

### **4. Facilities Booking**

For further enquiries and details about booking of hearing rooms, etc. please contact Ms. Kalpana / Ms. Manjusha Gurjar / Ms. Pooja Kannurkar

**Contact Details:**

Ms. Sathya Narayan, Director, ILSCA : +91 9822988226

Ms. Pooja Kannurkar, Research Associate, ILSCA : +91 9730851022

Ms. Kalpana, Assistant Registrar (Admin), ILSCA : +91 9923476026

Ms. Manjusha Gurjar, ILSCA : +91 9422060258

For booking email at: [ilscabooking@ilslaw.in](mailto:ilscabooking@ilslaw.in)