

FAQ's

1. Why is arbitration important to an architect?

Architects enter into numerous contracts in their due course of their practice (viz. contract between architect and client, architect and builder) where there is every possibility of a difference to arise. In such cases, arbitration is a favourable option in terms of time. Arbitration is better option to solve disputes amicably without spoiling the relationship.

2. Why should arbitration be preferred over litigation?

It is faster when compared to litigation. The decision passed is binding on the parties similar to a judgment passed in litigation. It protects privacy of the parties unlike open court hearings. It is flexible with regard to procedures and experts may be appointed in accordance with the issue in dispute.

3. Whether an arbitration agreement can be oral?

No. it must be a written agreement. It may be in the of form of arbitration clause in the main agreement entered between the parties or a separate agreement can be made for arbitration.

4. What is minimum requirement to constitute an arbitral tribunal?

The minimum requirement is one arbitrator. He/she may be named in the agreement itself. The number of arbitrators should sum up to an odd number (viz 3, 5, 7...). However, if only two arbitrators are appointed (each party appoints one) their award shall not be

invalidated, provided they agree on the decision so as to negate the necessity to appoint an umpire.

5. Whether arbitral tribunal award is final? What if it was obtained through illegal means?

Arbitral award is final. Nevertheless, if the award is passed due to fraud, corruption or without adhering to procedures, it can be challenged before the appropriate forum (The High Court or the District court)