Atomic Energy (Arbitration Procedure) Rules, 1983

In exercise of the powers conferred by Section 21 of the Atomic Energy Act, 1962 (Act 33 of 1962), the Central Government hereby makes the following rules:-

1. **Short Title, Extent and Commencement:**
    1. These rules may be called the Atomic Energy (Arbitration Procedure) Rules, 1983.
    2. They shall come into force on the date of their publication in the official gazette.
2. **Definitions:** In these rules, unless there is anything repugnant in the subject or context:-
    1. "Act" means the Atomic Energy Act, 1962 (33 of 1962).
    2. "Award" means an arbitration award made under section 21 of the Act.
    3. "Person" includes:-
        1. Any individual, corporation, association of persons whether incorporated or not, partnership, estate, trust, private or public institution, group or any government agency.
        2. Any legal successor, representative and agent of each of the foregoing.
    4. Words and expressions used in these Rules and not defined, but defined in the Act, shall have the meanings respectively assigned to them in the Act.
3. **Procedure in arbitration for determining compensation:**
    1. The Central Government may in any particular case, nominate a person having expert knowledge as to the nature of the property acquired, to assist the Arbitrator and where such nomination is made, the person claiming compensation may also nominate an assessor for the same purpose.
    2. The Arbitrator shall fix the date, time and place for the hearing of the dispute which he is empowered to decide under the Act and shall inform the parties of such date, time and place.
    3. On the date so fixed or any other day to which the hearing may be adjourned, the Central Government or an officer duly authorized by it in this behalf and the person claiming compensation shall state what in their respective opinion is a fair amount of compensation.
    4. The Arbitrator shall afford reasonable opportunity to the parties to adduce such oral and documentary evidence as they desire to adduce and as may be relevant.
    5. The Arbitrator shall, after hearing the parties, make an award determining the amount of compensation which appears to him to be just and specifying the person or persons to whom such compensation shall be paid and in making the award, he shall have regard to the circumstances of each case and the provisions of sub-section 2 of section 21 of the Act, so far as they are applicable.
    6. Where there is any dispute as to the person or persons who are entitled to the compensation, the Arbitrator shall decide such dispute and if the Arbitrator finds that more persons than one are entitled to compensation, he shall apportion the amount thereof amongst such persons according to the interest of each such persons and shall specify in the award the amount due to each.

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7. The award shall be in writing and signed by the Arbitrator and in matters where the amount or value of the claim for compensation in dispute exceeds Rs. 25,000/-, the Arbitrator shall specify the points for decision and the decision thereon together with the grounds of the decision.

4. **Powers of the Arbitrator:** The Arbitrator shall have the power to:-
    1. Summon and enforce the attendance of any person and examine him on oath.
    2. Require the discovery and production of any document having a bearing on the dispute.
    3. Receive evidence on affidavits.
    4. Issue commissions for examination of witnesses.
    5. Administer to any party to arbitration such interrogatories as may, in the opinion of the Arbitrator, be necessary.
    6. Make the award conditional or in the alternative.
    7. Correct any clerical mistakes or error arising by accidental slip or omission.
5. **Time Limit for Arbitration:** An Arbitrator appointed under clause (b) of sub-section (1) of section 21 of the Act shall complete the arbitration proceedings and give his award within 4 months. The parties may, however, consent to extending the time for giving the award beyond the said period of 4 months and upon such written consent, the Arbitrator shall give award within the time extended.
6. **Power to appoint new Arbitrator:** If an Arbitrator appointed under clause (b) of sub-section (1) of Section 21 of the Act neglects or refuses to act or is incapable of acting or dies, the Central Government may appoint another Arbitrator in his place and such other Arbitrator may deal with the evidence recorded by his predecessor as if such evidence has been recorded by him and may proceed with the arbitration proceedings from the stage at which the predecessor left it.
7. **Cost of Arbitration and Award:** The cost of arbitration and award shall be in the discretion of the Arbitrator who may direct to and by whom and in what manner the award or any part thereof shall be paid and in case an appeal is preferred to the High Court, such cost and the cost of appeal shall be in the discretion of the High Court, who may direct to and by whom and in what manner the cost of appeal or any part thereof shall be paid.
8. **Appeal:** An appeal shall lie to the High Court against an award of the Arbitrator, where the amount or value of the claim for compensation in dispute exceeds rupees twenty five thousand.