



DELHI ARBITRATION CENTRE

(Institutional Arbitration Centre)

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DELHI ARBITRATION CENTRE (DAC), TIS HAZARI, DELHI

No. DAC/SR-01-2025

Dated: 22.12.2025

NOTIFICATION

In exercise of the administrative and procedural powers vested upon, the Competent Authority under the *Delhi Arbitration Centre* has published “*Guidelines for Recording of Oral Evidence Through Advocate Local Commissioner, 2025*” and hereby adopted for governing the recording of oral evidence in arbitral proceedings administered by the Delhi Arbitration Centre.

The said Guidelines shall come into force with immediate effect from the date of this Notification.

A copy of the guidelines is annexed herewith and shall form part of this Notification.

(Registrar)


K.K. NANGIA

(EX-REGISTRAR, DELHI HIGH COURT)
REGISTRAR, DELHI ARBITRATION CENTRE



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THE DELHI ARBITRATION CENTRE, TIS HAZARI, DELHI

(GUIDELINES FOR RECORDING OF ORAL EVIDENCE THROUGH ADVOCATE LOCAL COMMISSIONER), 2025

Subject: Publication of the Delhi Arbitration Centre Guidelines for Recording of Oral Evidence Through Advocate Local Commissioner, 2025

Chapter I - Preliminary

1. Short Title, Commencement and Application

1.1 These Guidelines shall be called the "*Delhi Arbitration Centre Guidelines for Recording of Oral Evidence Through Advocate Local Commissioner, 2025*".

1.2 These Guidelines shall come into force from the date of publication/adoption by the competent authority of the Delhi Arbitration Centre.

1.3 These Guidelines shall apply to arbitral proceedings administered by the Delhi Arbitration Centre to the extent adopted by, or made applicable through, a procedural order of the Arbitral Tribunal, and shall at all times remain subject to the Arbitration and Conciliation Act, 1996, the arbitration agreement, applicable institutional rules, any order of a competent court, and the procedural directions of the Tribunal.

1.4 In pending proceedings, these Guidelines may be applied by the Tribunal after affording reasonable opportunity to the parties, unless the parties agree otherwise or the Tribunal considers that their application is necessary for fairness, efficiency or orderly conduct of the proceedings.

2. Object And Purpose

2.1 These Guidelines are framed to facilitate expeditious, fair, neutral and cost-effective recording of oral evidence in arbitral proceedings administered by the Delhi Arbitration Centre.



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2.2 The object of these Guidelines is to streamline recording of oral evidence, cross-examination and related procedural steps while preserving party autonomy, equal treatment, fair opportunity, procedural flexibility and the adjudicatory control of the Tribunal.

2.3 Efficiency and expedition under these Guidelines shall not be construed as permitting denial of reasonable opportunity to any party to present its case.

3. Non-Derogation From Act, Party Agreement And Tribunal Powers

3.1 These Guidelines are procedural in nature and shall be read harmoniously with the Arbitration and Conciliation Act, 1996, the arbitration agreement, applicable institutional rules, any order or direction of a competent court, and the principles of natural justice.

3.2 Nothing contained in these Guidelines shall limit, curtail or derogate from the powers of the Tribunal under the Act, including its powers under Sections 18, 19 and 24.

3.3 Nothing contained in these Guidelines shall be construed as excluding or limiting any statutory right, remedy, objection or recourse available to a party under the Act or any other applicable law.

3.4 Where the parties have agreed on a procedure for recording oral evidence, such agreed procedure shall be given effect to the extent it is not inconsistent with any non-derogable provision of law, unless the parties agree otherwise or the Tribunal, for reasons to be recorded and after affording reasonable opportunity, directs a modification necessary for fairness, efficiency or enforceability.

3.5 A procedural irregularity, deviation or non-compliance with these Guidelines shall not by itself invalidate any recording of evidence, procedural order, proceeding or award unless material prejudice is demonstrated, subject always to the Act and the principles of natural justice.

4. Definitions

Unless the context otherwise requires:

a. "Act" means the Arbitration and Conciliation Act, 1996;



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- b. "Centre" or "DAC" means the Delhi Arbitration Centre, Tis Hazari, Delhi;
- c. "Tribunal" means the Arbitral Tribunal constituted in the arbitration proceedings;
- d. "Local Commissioner" or "LC" means an independent Advocate appointed by the Tribunal for the limited procedural purpose of recording oral evidence, subject to disclosure and the directions of the Tribunal;
- e. "Witness" includes a party witness, expert witness or summoned witness;
- f. "Evidence" means oral testimony recorded pursuant to the directions of the Tribunal, including examination-in-chief, cross-examination and re-examination;
- g. "Record" includes transcript, attendance sheet, marked or identified documents, objections, procedural notes and any audio/video/digital record authorised by the Tribunal;
- h. "Session" means a block of up to two hours for recording evidence, unless otherwise directed by the Tribunal;
- i. "Video Conferencing" or "VC" includes any audio-video platform approved by the Tribunal for recording evidence remotely or in hybrid mode;
- j. "Authorised DAC Officer" means an officer or staff member authorised by DAC or the Tribunal to provide administrative assistance, record access or logistical support.

Chapter II - Appointment Of Advocate Local Commissioner

5. Power Of Tribunal To Appoint Local Commissioner

5.1 The Tribunal may, upon an application by a party or suo motu, and after affording reasonable opportunity to the parties, appoint an Advocate Local Commissioner for recording oral evidence where such appointment is considered appropriate for fairness, efficiency, convenience or orderly conduct of the proceedings.

5.2 Where appointment is contested, the Tribunal shall record brief reasons for appointing or declining to appoint a Local Commissioner.

5.3 Appointment of a Local Commissioner shall be a procedural measure and shall not amount to delegation of the adjudicatory powers of the Tribunal.



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5.4 The Tribunal shall at all times retain exclusive authority and control over adjudication of disputes, appreciation of evidence, admissibility and relevancy, determination of objections, weight and credibility of evidence, procedural directions, costs, and final determination of rights and liabilities.

6. Disclosure, Independence And Objection To Appointment

6.1 Before accepting appointment, or immediately upon appointment if prior disclosure is impracticable, the proposed Local Commissioner shall file a written disclosure if any circumstance exists that may give rise to justifiable doubts as to independence, impartiality or neutrality.

6.2 The disclosure shall include any professional, personal, financial or prior case-related connection with the parties, counsel, arbitrator(s), witnesses or subject matter of the dispute.

6.3 A party objecting to the appointment of the Local Commissioner may file a written objection within 5 working days from receipt of the disclosure or from the date on which the relevant fact became known to that party, or within such further time as the Tribunal may permit upon sufficient cause.

6.4 The Tribunal shall decide any objection after affording reasonable opportunity to the parties and, where appropriate, to the proposed Local Commissioner.

6.5 The Tribunal's decision on appointment or objection shall be final for the procedural conduct of the arbitration, without prejudice to any statutory remedy or objection available under the Act.

7. Nature And Scope Of Functions Of Local Commissioner

7.1 The Local Commissioner shall act only as a procedural recording officer of the Tribunal and shall perform only such functions as are assigned by the Tribunal.

7.2 The Local Commissioner may, subject to the directions of the Tribunal:

- a. record examination-in-chief, cross-examination and re-examination in question-answer form;
- b. administer oath or affirmation where so directed or where considered appropriate by the Tribunal;



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- c. mark or identify documents subject to objections and final determination by the Tribunal;
- d. record objections raised during evidence;
- e. maintain orderly conduct of the recording;
- f. authenticate transcripts and procedural record;
- g. submit the record of evidence to the Tribunal.

7.3 The Local Commissioner shall not:

- a. decide disputes between parties;
- b. adjudicate objections finally;
- c. determine admissibility or relevancy conclusively;
- d. evaluate credibility of witnesses;
- e. render findings on merits;
- f. mediate, conciliate or advise any party in relation to the dispute;
- g. impose sanctions or costs except to the extent expressly authorised by the Tribunal and subject to final directions of the Tribunal.

7.4 Any procedural direction of the Local Commissioner during recording shall be provisional and subject to the control and final determination of the Tribunal.

Chapter III - Cross-Examination Of Witnesses

8. Request For Cross-Examination

8.1 A party seeking cross-examination of a witness shall file such request, application or statement as may be directed by the Tribunal, identifying the witness, the disputed facts or

issues requiring cross-examination, the relevance of the proposed examination, and the estimated time required.



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8.2 The requirement of a request or application is intended for case management and shall not be applied mechanically to deny fair opportunity to test material evidence.

8.3 The Tribunal may permit, regulate, limit or refuse cross-examination after considering the pleadings, issues, nature of dispute, relevance, proportionality, avoidance of unnecessary delay, and the requirement of equal treatment and fair opportunity.

8.4 Any order refusing cross-examination or materially limiting its scope or duration shall be passed after affording reasonable opportunity and for reasons to be recorded.

9. Examination-In-Chief

9.1 Examination-in-chief shall ordinarily be by affidavit, unless otherwise directed by the Tribunal.

9.2 The Tribunal may direct clarificatory oral examination-in-chief where necessary.

9.3 Affidavits of evidence and relied-upon documents shall be exchanged within the timelines fixed by the Tribunal and with reasonable opportunity to the opposite party to respond, object or seek cross-examination.

9.4 Late filing or reliance on additional evidence shall be subject to the directions of the Tribunal and shall not prejudice the opposite party's reasonable opportunity to test such evidence.

10. Scope And Conduct Of Cross-Examination

10.1 Cross-examination shall ordinarily be confined to facts in dispute, pleadings, contents of affidavits, admitted or disputed documents, issues framed or identified by the Tribunal, credibility and matters reasonably necessary to test the witness's evidence.

10.2 The Tribunal may issue directions regarding time schedule, scope, duration, sequence of witnesses, venue, recording mechanism, document bundles and procedural safeguards.



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10.3 The Tribunal, or the Local Commissioner subject to the Tribunal's directions, may regulate questioning to prevent irrelevant, repetitive, scandalous, oppressive, intimidating, argumentative or dilatory questioning.

10.4 Where a question is objected to and the examining party insists upon the question, the Local Commissioner shall record the question, objection, response, provisional direction and brief reason, unless the Tribunal has directed another procedure.

10.5 Unless otherwise directed by the Tribunal, objections shall remain open and shall be decided by the Tribunal at an appropriate stage.

10.6 The Local Commissioner may seek immediate or subsequent directions from the Tribunal where a dispute regarding questioning, privilege, confidentiality, witness protection, document use or conduct may materially affect fair recording of evidence.

11. Opportunities, Adjournments And Closure

11.1 The Tribunal may fix a schedule for cross-examination having regard to the nature of the dispute, number of witnesses, availability of parties and witnesses, procedural timelines and the requirement of efficient conduct.

11.2 Ordinarily, not more than two effective opportunities may be granted for cross-examination of a witness, unless the Tribunal directs otherwise.

11.3 An opportunity shall be treated as effective only where the witness, authorised representatives, record, documents and necessary arrangements were reasonably available and the party had a real ability to proceed.

11.4 The Tribunal may grant further opportunity for reasons to be recorded where refusal may result in prejudice, denial of fair opportunity, or where sufficient cause is shown.

11.5 The right to cross-examine shall not be closed mechanically. Before closing such right, the Tribunal shall consider whether effective opportunities were actually available, whether sufficient cause exists, whether lesser procedural measures would suffice, and whether closure would cause material prejudice.

11.6 Any closure of the right of cross-examination shall be by order of the Tribunal after affording reasonable opportunity and for reasons to be recorded.



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11.7 Adjournments shall not be granted routinely. In the event an adjournment is sought by any party, 50% of the fee of the Learned Local Commissioner for the adjourned date shall be borne and paid by the party seeking such adjournment. The said amount shall be payable to the Learned Local Commissioner towards his engagement for the said date.

Chapter IV - Fees, Costs And Logistics

12. Fees Of Local Commissioner

12.1 The fee payable to the Local Commissioner shall be as directed by the Tribunal.

12.2 Unless otherwise directed, the indicative fee shall be Rs. 5,000 per session of up to two hours.

12.3 A session extending beyond two hours may be treated as an additional session only as directed by the Tribunal or as recorded by the Local Commissioner subject to the Tribunal's approval.

12.4 DAC may revise the fee schedule from time to time by publication or notification. Unless otherwise directed by the Tribunal, such revision shall apply prospectively.

13. Expenses And Initial Allocation Of Costs

13.1 Expenses relating to recording of evidence, including Local Commissioner fee, stenographer charges, venue charges, transcription expenses if any, authorised digital recording expenses if any, VC platform expenses if any, document-handling expenses of Arbitrator's clerk for making record available on evidence date, shall be deposited or borne in the manner directed by the Tribunal.

13.2 In making directions for initial deposit or allocation, the Tribunal may consider the party seeking cross-examination, the necessity of cross-examination, equality of parties, conduct of parties, convenience, proportionality and the circumstances of the case.

14. Venue And Logistical Arrangements

14.1 The venue for recording oral evidence shall be fixed or approved by the Tribunal after hearing the parties.



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14.2 The venue shall be neutral, reasonably convenient, confidential, secure and suitable for recording evidence.

14.3 The Tribunal may direct that evidence be recorded at DAC premises, any neutral venue, or through video conferencing or hybrid mode.

14.4 A venue controlled by one party shall not be used unless the parties consent or the Tribunal records reasons.

14.5 Logistical arrangements, including stenographer, transcript preparation, document bundles, internet, VC facilities, printing, copying and technical support, shall be made in the manner directed by the Tribunal. The Local Commissioner may coordinate such arrangements ministerially, subject to Tribunal control.

Chapter V - Recording Of Evidence

15. Mode Of Recording

15.1 Evidence shall ordinarily be recorded in question-answer form.

15.2 The Local Commissioner shall take reasonable steps to ensure faithful and accurate recording of testimony.

15.3 Electronic recording, audio recording, video recording or digital transcription may be adopted only subject to the directions of the Tribunal.

15.4 The Tribunal shall identify the official record of evidence. Unauthorised recording, copying, circulation or publication of evidence shall be prohibited unless permitted by the Tribunal or required by law.

15.5 Digital records shall be maintained in a secure manner as directed by the Tribunal or DAC.

16. Video Conferencing And Hybrid Evidence Protocol

16.1 Where evidence is recorded by VC or hybrid mode, the Tribunal may issue directions regarding platform, login credentials, identity verification, witness location, persons present, camera angle, microphone use, document access, screen sharing, breakout rooms, recording permissions, interpretation, technical support, confidentiality and data security.



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16.2 Before commencement of testimony, the witness shall verify identity in the manner directed and shall state the location from which testimony is being given.

16.3 The witness shall confirm that no unauthorised person is present or communicating with the witness and that the witness is not receiving prompts, coaching, messages or assistance except as permitted on record.

16.4 The Local Commissioner may require the witness to keep camera and microphone operational, display the room or surroundings where appropriate, and comply with directions for document use and screen sharing.

16.5 If a material technical failure affects the ability of any participant to hear, view, question, object, access documents or participate effectively, the Local Commissioner shall pause the recording and record the nature and duration of the failure. The Tribunal may issue appropriate directions, including repetition of affected testimony, adjournment, extension of time or cost directions.

17. Authentication And Transcript Correction

17.1 The transcript of evidence shall, as far as practicable, be signed or electronically authenticated by the witness, the Local Commissioner and the advocates or authorised representatives present.

17.2 Corrections limited to transcription errors may be proposed within the time directed by the Tribunal. Disputed corrections shall be placed before the Tribunal for determination.

17.3 Refusal or inability of any person to sign or authenticate the transcript shall be recorded by the Local Commissioner and shall not by itself invalidate the transcript.

17.4 Corrections, insertions, deletions or alterations shall be properly authenticated and shall not alter the substance of testimony except by direction of the Tribunal.

18. Objection Recording Protocol

18.1 All objections raised during recording of evidence shall be recorded with sufficient clarity to identify the question, answer if any, objection, response, provisional direction and whether the issue is reserved for the Tribunal.



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18.2 Unless expressly directed by the Tribunal, all objections shall remain open for determination by the Tribunal.

18.3 The Local Commissioner shall not decide objections finally and shall not exclude material from the Tribunal's consideration except in accordance with Tribunal directions.

19. Submission Of Record

19.1 Upon completion of recording of evidence, the Local Commissioner shall submit to the Tribunal:

- a. complete transcript of evidence;
- b. documents marked or identified during recording;
- c. index of objections;
- d. authorised audio/video/digital record, if any;

19.2 The record shall ordinarily be submitted to the arbitrator's clerk and be placed in the Arbitrator's file on the same day after concluding of the evidence of recording, unless otherwise directed by the Tribunal.

19.2 Copies of the record shall be made available to the parties in the manner directed by the Tribunal, subject to confidentiality and data-security directions.

19.3 The Tribunal may thereafter take the evidence on record, decide objections, seek clarifications, recall witnesses if necessary, issue further procedural directions, or directly record further evidence.

Chapter VI - Powers Of Tribunal

20. Continuing Control Of Tribunal

20.1 The Tribunal shall retain continuous supervisory, procedural and adjudicatory control over the proceedings.

20.2 The Tribunal may at any stage regulate scope and duration of cross-examination, issue procedural directions, recall witnesses, seek clarifications, decide objections, exclude inadmissible material, impose costs for delay or misconduct, modify timelines, approve or change venue, alter recording mode, or directly record evidence.



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20.3 Any material restriction on cross-examination, refusal to permit cross-examination, closure of the right of cross-examination, substantial adverse cost direction, or refusal to recall a witness shall be made after affording reasonable opportunity and for reasons to be recorded.

20.4 Nothing in these Guidelines shall prevent the Tribunal from directly recording evidence where it considers appropriate.

Chapter VII - Fairness, Confidentiality And Conduct

21. Equal Treatment And Fair Opportunity

21.1 The Tribunal and the Local Commissioner shall ensure equal treatment of parties and reasonable opportunity to present their case in accordance with Section 18 of the Act.

21.2 No procedural direction under these Guidelines shall result in denial of reasonable opportunity to any party.

21.3 This clause shall guide the interpretation and application of all provisions of these Guidelines.

22. Conduct Of Parties, Counsel And Witnesses

22.1 Parties, counsel and witnesses shall cooperate in expeditious and fair completion of evidence.

22.2 No party, counsel or participant shall coach witnesses during testimony, obstruct proceedings, intimidate witnesses, cause unnecessary interruptions, misuse documents, breach confidentiality, or engage in abusive or dilatory conduct.

22.3 In VC or hybrid recording, no person shall communicate with the witness during testimony except on record and with permission.

22.4 The Local Commissioner may record suspected misconduct factually for consideration by the Tribunal.

22.5 Consequences of misconduct, including costs or procedural directions, shall be determined by the Tribunal after affording reasonable opportunity.



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23. Confidentiality And Data Security

23.1 Proceedings before the Local Commissioner, transcripts, documents, recordings and procedural records shall remain confidential.

23.2 Disclosure shall be permitted to the extent required by law, court order, statutory or regulatory obligation, arbitral challenge, enforcement, execution, professional advice, insurance or audit requirement, DAC administration, or Tribunal direction.

23.3 The Local Commissioner, parties, counsel, stenographers, transcribers, interpreters, technical support persons and all participants shall maintain confidentiality and shall handle records securely.

23.4 Digital records shall be stored, transmitted and accessed only in the manner directed by the Tribunal or DAC.

Chapter VIII - Savings And Residuary Powers

24. Savings

24.1 These Guidelines are procedural in nature and shall not be treated as rules of substantive law or as importing the Code of Civil Procedure, 1908 or the Indian Evidence Act, 1872 / Bharatiya Sakshya Adhinyam as binding rules unless the parties agree or the Tribunal so directs.

24.2 In case of inconsistency with any mandatory provision of law, the statutory provision shall prevail.

24.3 In case of inconsistency between these Guidelines and a Tribunal-specific procedural order, the Tribunal-specific procedural order shall prevail to the extent it is consistent with the Act, party agreement, applicable rules and natural justice.

24.4 A party shall raise procedural objections promptly. The effect of failure to raise objections shall be governed by the Act, including principles analogous to waiver under Section 4, where applicable.

25. Residuary Powers



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25.1 In matters not expressly covered by these Guidelines, the Tribunal may issue such directions as may be necessary in the interest of justice, efficiency, fairness, confidentiality and enforceability.

25.2 Such directions shall remain subject to the Act, party agreement, court directions and reasonable opportunity where rights of parties may be affected.

26. Publication, Revision And Fee Schedule

26.1 DAC may publish, amend or revise these Guidelines and any related fee schedule from time to time through appropriate institutional notification.

26.2 Unless otherwise stated or directed by the Tribunal, amendments or fee revisions shall operate prospectively.

26.3 The Tribunal may, for reasons to be recorded, adapt these Guidelines to the circumstances of a particular arbitration.

Adoption

Approved and issued by the competent authority of the Delhi Arbitration Centre.

Version: 2025

Date of Adoption: 22.12.2025

Date of Publication: 22.12.2025

Registrar

Delhi Arbitration Centre, Tis Hazari, Delhi


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