

19.6.25

The report of the Constitution and Arbitration Committee (2024-2025) presented to the FPTA Managing Committee at Kolkata on 21st and 22nd June 2025.

I have presented my report in the 2nd FPTA Managing Committee at Patna regarding activities up to 7th March 2025 this report is in continuation of activities after 7th March 2025

16.3.25 Advisory Board Meeting at Hotel Maurya Patna

The point of review of FPTA Constitution was given in the agenda. The points received from Mr. Mehul Mehta and Mr. Bhavesh Gala were sent to FPTA Advisory Board members as well as Constitution Committee Members inviting their suggestions. But due to paucity of time the agenda could not be discussed.

12.5.25 Received a Communication from Indian Chamber of Commerce and Industry Coimbatore regarding starting of "CHAMBER ARBITRATION AND MEDIATION CENTRE". The subject was discussed in Coimbatore Association EC Meeting on 21.5.2025. I being a panel member in the above Centre can assist our Coimbatore Association in utilizing their services. Our Executive Committee decided to join the Arbitration process of the chamber of commerce and the modalities will be discussed and finalized in our Association's forthcoming AGM.

31.5.25 As decided in the FPTA MC in Patna a separate meeting on Review of Constitution for Advisory Board members was organized virtually. 11(Eleven) members including FPTA President, Secretary, Constitution Committee Co- Convener and 8 Former FPTA Presidents participated.

The points discussed were Election Calendar with Withdrawal date, Designated Area of Affiliated Associations, Revision of AGM Delegate, Life and Patron Members and Observers fees, Status of member removed by the local Association in FPTA, Curtailing AGM expenses etc...

11.6.25 On the invitation of the President, Madurai Paper Traders Association myself attended the FPTA President Visit Meeting at Hotel JC Residency, Madurai. In the meeting along with FPTA President, FPTA Vice President Mr. Mani and office bearers of Madurai, Erode, Salem, Trichy , Dindigul I and Members of Madurai PTA were Present. I spoke about the need of the Amendments to our FPTA Constitution and requested all the 5(five) Association office- bearers to send their views on the Amendments forwarded to their Association as well as to their FPTA MC members. None of the office – bearers except Mr. S. Balaji of Salem were aware of the recent activities regarding FPTA Constitution. On the request of the senior member of Madurai PTA Mr. Murugesan a soft copy of the FPTA Constitution was sent by mail to him. Regarding Arbitration I explained them the need to have Arbitration process for their members benefit and informed them about our Coimbatore Association's decision to join the Chamber of Commerce Coimbatore Arbitration and Mediation center which will function in virtual mode.

If the Associations does not have required infrastructure to start Arbitration in their own Association, like Coimbatore Association they can join the respective local Chamber of Commerce Arbitration Centre.

In case of any assistance they can contact me so that I can liaise between them and the local Chambers of Commerce in Madurai, Salem, Erode, Dindigul and Trichy.

14.6.2025 Advisory Board Virtual Meeting 4.30pm: In the Advisory Board Meeting in Agenda no: 7 the Subject of proposal of the Constitution Committee Suggestions on amendments to the FPTA Constitution was given. But due to paucity of time the discussion could not be held for the 2nd time.

18.6.25 A reminder Mail was sent to all FPTA office – bearers and Managing Committee Members asking for Suggestions to amend the FPTA Constitution. A soft copy of FPTA Constitution as well as Suggestions received from Mr. Mehul Mehta and Mr. Bhavesh Gala as well as Election rules were sent as an attachment for member reference.

18.6.25 Received Suggestions from Mr. Mehul Mehta our President Mr. Dinesh Jain and Mr. Vikram Shrimal. I thank them for their inputs.

Regular messages were sent to all Constitution and Arbitration Committee Members of the Judgements regarding Arbitration in various High Courts and Supreme Court, a copy of which is enclosed as annexure.

I am in regular contact with our FPTA President Shri. Mehul Mehta and FPTA, Hon. Secy Mr. Raghav Kothari and updating the activities of our committee. I thank both of them, my committee members and all the members of FPTA MC for their continuous support in discharging my duties as the Convener of the Committee.

Copy to

1. FPTA Mumbai.
 2. FPTA President, Mumbai.
 3. FPTA Vice-President, Chennai.
- (C. Balasubramanian)

Annexure

From March 2025 to 19th June 2025

- Section 11 of the Arbitration and Conciliation Act 1996- Section 20 of the CPC. ‘ The Shashoua Principle’ – When there is an express designation of the Arbitration Venue coupled with no designation of any alternative place as the seat, the inexorable conclusion leading there from would be that such ‘Venue’ is in fact juridical seat.
- The Supreme Court of India addressed whether an MSME can refer dispute to the Facilitation Council under section 18 of the MSMED Act 2006 without being registered under section 8 before executing a contract.
- The parties involved were NBCC (India) Ltd and the State of West Bengal and others. When there is unreasonable delay attributable to the authorities forfeiting bid bond is illegal – Supreme Court of India.
- When the MSEFC fails to appoint an Arbitrator, parties may approach HC u/s 11 applications – Bombay High Court.
- Section 9, Sec 11(6), Section 17 and Section 37 of the Arbitration and Conciliation Act 1996- Article 226 of the Constitution on India- Kerala High Court- Flemingo (DFC) Pvt Ltd Vs Airports Authority of India.
- When the remedy for the delay is available, contract termination is arbitrary – Supreme Court of India.
- Interim measure under section 9 of the Arbitration Act can be sought by the MSME
- Validity of CA certificate as evidence in the Arbitration - Delhi Transco Vs KEC Information – Delhi High Court.
- The Court cannot order termination of a contract that requires Comprehensive adjudication of the Circumstances – Supreme Court of India.
- Arbitral Tribunal decision based on no evidence and Ignoring vital evidence amounts to perverse finding – Supreme Court of India.
- Courts were judicially empowered under section 34 of the Arbitration and conciliation Act, 1996 to alter arbitral awards on restricted grounds- Supreme Court of India.
- Online workshop on 5th and 6th July on the subject “How to prepare and File Applications under section 9 and 11 of the Arbitration and conciliation Act,1996 by Settlezy ADR Institute P Ltd. , Noida. Resource Person Dr: Pradeep Reddy.