**APPLICATION FOR AN ORDER OF REFERENCE UNDER SECTION 21 OF THE ARBITRATION ACT, 1940**

IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL ORDINARY ORIGINAL CIVIL JURISDICTION

(Suit No..................... of.................... 19.................... )

In the matter of the Arbitration Act, 1940

and

In the Matter of Suit No..................... of.................... 19....................

........................................

*versus*

........................................

*(Title of Suit)*

The petition of A. B. and C. D. abovenamed showeth:

1. This suit is instituted for (state nature of claim).

2. The matters in difference between the parties are (state matters of difference).

3. The petitioners being all the parties interested have on the day of .................... 19.................... at.................... within the jurisdiction aforesaid agreed

(state nature of agreement) that the matter in difference as between them shall be referred to the arbitration of (name, description and place of residence of the arbitrator or the manner as to the appointment of arbitrator agreed upon between the parties).

4. The petitioners therefore pray:

(a) that the aforesaid matters in difference be referred for determination to the arbitrator abovenamed:

(b) that the date within which-the award is to be made be fixed.

Verification..............

**LETTER SENT BY ONE PARTY FOR SETTLEMENT OF DISPUTE THROUGH ARBITRATOR**

***(Section 2(a))***

The letter can be treated as arbitration agreement.1

**APPLICATION FOR FILING ARBITRATION AGREEMENT**

The application for filing arbitration agreement is a stage prior to institution of suit and is not a suit.2

**ARBITRATION AGREEMENT**

The agreement that parties may go to suit or may also go to arbitration is not an arbitration agreement.3

**APPLICATION FOR REFERRING DISPUTE TO ARBITRATOR**

The application for referring dispute to arbitrator cannot be treated as plaint as contemplated under Civil P. C.4

1. Ganga Pollution Control Unit v. Civil Judge, Allahabad, AIR 2001 All. 149.

2. P. A. Ahammed Ibrahim v. Food Corporation of India, AIR 1999 SC 3033.

3. Wellington Associates Ltd. v. Kirti Mehta, AIR 2000 SC 1379.

4. P. A. Ahammed Ibrahim v. Food Corporation of India, AIR 1999 SC 3033.