**MILES MEDIATION & ARBITRATION**

**BEFORE THE ARBITRAL TRIBUNAL**

**IN THE MATTER OF:**

(Name of Claimant) CLAIMANT

*v.*

(Name of Respondent(s)) RESPONDENT

**RESPONSE ON BEHALF OF THE RESPONDENT**

[Date]

[*Insert details of the Respondent’s Representatives*]

1. **INTRODUCTION**
	* 1. This response to Claimant’s Demand for Arbitration (hereinafter the “**Response**”) along with the attached exhibits numbered as R-1 to R-[*enter the number*] is submitted on behalf of [*name of the* Respondent], (“**Respondent**”) pursuant to Rule 3, Miles Rules of Arbitration.
		2. Unless otherwise stated, the abbreviations, quoted words, and capitalised terms used by the Claimant in its Demand, has been adopted by the Respondent in its present Response.
		3. At the outset, the Respondent denies all contentions, submissions, and allegations advanced by the Claimant in its Demand. Unless otherwise expressly stated, the Respondent also denied each paragraph of the Demand.
2. **PARTIES TO THE DISPUTE**
	1. **Respondent**
		1. Respondent is a company [*or LLC/ LLP/ LP*] registered with the State of [*insert the name of the* State], with its registered office located at [*insert* address]. The Respondent is engaged in [*brief description of the Respondent’s business activities as mentioned in its articles of incorporation*].
		2. Details of the Respondent:

[*Name of Claimant’s attorney/ law firm*]

[*Postal address*]

[*Telephone and facsimile numbers*]

[*Email address*]

* + 1. Details of the Respondent(s)’s Representatives:

[*Name of Respondent’s attorney/ law firm*]

[*Postal address*]

[*Telephone and facsimile numbers*]

[*Email address*]

The Respondent hereby confirms that its representatives are authorized under the relevant regulations of law to act on its behalf in the captioned arbitration. *(Optional: A copy of the power of attorney/ letter of authorization is annexed hereto as* ***Exhibit R-1****)*

* 1. [***Optional***] **Claimant**
		1. Claimant is a company [*or LLC/ LLP/ LP*] registered under the laws of State of [*insert the name of the* State], with its registered office located at [*insert* address]. Claimant is engaged in [*brief description of the Claimant’s business activities as mentioned in its articles of incorporation*].
1. **RESPONDENT’S CHALLENGE TO THE JURISDICTION OF THE ARBITRAL TRIBUNAL**
	* 1. Respondent denies the Claimant’s contention that the arbitral tribunal has jurisdiction to adjudicate upon the present dispute, and states that the arbitral tribunal lacks jurisdiction on the following grounds:

[***Note:*** *Respondent to include all relevant grounds to challenge the jurisdiction of the arbitral tribunal including but not limited to existence of the arbitration agreement, scope of the arbitration agreement, arbitrability of the dispute, or invalidity of the contract containing the arbitration agreement.*]

1. **RESPONDENT’S COMMENTS TO THE PROCEDURAL ASPECTS OF THE DISPUTE RESOLUTION CLAUSE**
	1. **Arbitration Agreement under Clause [enter clause number], the Contract**
		1. [***Optional***] In the absence of a signed, mutual arbitration agreement, the Respondent states that the present dispute ought not to be submitted to arbitration.
		2. The Respondent further states that in view of Clause [*insert clause number*] of the Contract, as was agreed upon by the parties, the present dispute should be referred to [*insert the appropriate choice of dispute resolution*]. The said clause is reproduced *verbatim* hereinbelow:

A copy of the contract containing the dispute resolution clause is annexed herewith as **Exhibit R-2**.

* 1. **Court-Ordered Arbitration** *(only in the event of arbitration proceedings ordered by a competent court of law)*
		1. [***Optional***] In the absence of an order issued by a court of competent jurisdiction, the Respondent states the present dispute ought not to be submitted to arbitration.

[***Note:*** *Respondent may argue additional grounds to challenge the court-ordered arbitration*]

* 1. **Law Governing the Arbitration**
		1. [***Note:*** *Respondent may confirm the law governing the arbitration as is mentioned by the Claimant in its Demand. If the Respondent contests the law governing the arbitration, the Respondent must specifically state its choice of law and provide appropriate rationale supporting its choice.*]
	2. **Seat and Language of the Arbitral Proceedings**
		1. [***Note:*** *Respondent may confirm seat and language of the arbitral proceedings as is mentioned by the Claimant in its Demand. If the Respondent contests the seat and language of the arbitral proceedings, the Respondent must specifically state its choice of seat and language and provide appropriate rationale supporting its choice.*]
	3. **Arbitral Tribunal**
		1. **Option 1:** *[A] Sole Arbitrator:*

[***Note:*** *Respondent may confirm the choice of sole arbitrator as is mentioned by the Claimant in its Demand. If the Respondent contests the choice of the sole arbitrator, the Respondent must specifically state its choice of the solo arbitrator and provide appropriate rationale supporting its choice.*]

**Option 2:** *[B] Arbitral Panel of Three Arbitrators:*

**Option (a):** [***Note:*** *The Respondent may confirm the Claimant’s choice of arbitrator*] The Respondent hereby confirms the appointment of the arbitrator appointed by the Claimant and nominates [*enter the name of the arbitrator*] to serve as on the panel on the panel of the arbitral tribunal. The contact details of the [*proposed arbitrator*] are as follows:

 **Option (b):** [***Note:*** *The Respondent may contest the Claimant’s choice of arbitrator, and specifically state its grounds and rationale.*] The Respondent vehemently contests the appointment of [*name of Claimant’s arbitrator*] for the reasons as mentioned hereinunder:

In view of the aforementioned grounds, the Respondent requests the Claimant to appoint another arbitrator with requisite qualifications to adjudicate upon the present dispute, and nominates [*enter the name of the arbitrator*] to serve as on the panel on the panel of the arbitral tribunal. The contact details of the [*proposed arbitrator*] are as follows:

 **Option 3:** *[C]: Absence of Such Clause*

 In the absence of an agreement between the parties with respect to the number of arbitrators, the Claimant hereby proposes that Miles Mediation & Arbitration appoint an arbitral tribunal as it deems fit and necessary considering the present factual circumstances.

* 1. **Submission of this Demand**
		1. [***Optional***] The Respondent denies that it a true copy of the Claimant’s Demand was served upon the Respondent’s registered office.
1. **NATURE AND CIRCUMSTANCES OF THE DISPUTE**
	* 1. [***Note:*** *The Respondent must describe briefly the facts and circumstances of the dispute*]
2. **COUNTER-CLAIMS**
	* 1. [***Note:*** *The Respondent must provide (i) brief relevant factual background, (ii) breach of duties and obligations, if any, and (iii) statement of the Claimant’s liability*]
3. **RELIEF SOUGHT**
	* 1. At the outset, the Respondent rejects the relief sought by the Claimant and requests the arbitral tribunal to dismiss the Claimant’s Demand.
		2. In light of the aforementioned facts and circumstances, the Respondent respectfully prays before the Arbitral Tribunal to:

[***Note:*** *The Respondent must specify the reliefs that it requires for the satisfaction of its claim*]

* + 1. Respondent reserves its right to plead, contend, and advance additional arguments and relief.

Respectfully submitted on [*date*] For and on behalf of the Respondent,

[*Attorney for the Respondent*]