***Form for the Counterclaim ĐƠN KIỆN LẠI***

*Place and date*

 **COUNTERCLAIM**

*Subject: Dispute No … between … (Name of Claimant and Respondent)*

**To: HTA Commercial Arbitration Center**

1. **Disputing Parties**

**Respondent (Counter claimant):** ………………………………………

Legal Representative: Mr. / Mrs. ……………………………….

Address: ……………………………………………………………

Telephone: …………………… Fax: ………………………….

Authorized representative (if any): Mr. / Mrs. ………………- followed the power of attorney (or Authorization contract) dated ……..

**Claimant (**[**Counter defendant**](https://www.dict.cc/englisch-deutsch/counterdefendant.html)**):** ……………....…..………………….

Legal Representative: Mr. / Mrs. ……………………………….

Address: ……………………………………………………………

Telephone: …………………… Fax: ………………………….

1. **Summary of the content of the dispute[[1]](#endnote-1)**
* Indicate information about the Contract which a dispute arises from or relates to.
* Explain the rights and obligations of the parties under the contract, the performances of the contractual obligations by the parties, and the contractual violation of the Claimant (Counter defendant)
* Describe the approaches applied by the Respondent (Counter claimant) in order to request the Claimant (Counter defendant) to properly follow the contract, and the Claimant’s (Counter defendant’s) failure to do so.
1. **Basis of lawsuit [[2]](#endnote-2)**

The Respondent (Counter claimant) presents the legal basis, including contractual arrangements, legal provisions, commercial practices, and evidence for the counterclaim.

1. **Value of the counterclaim of the Respondent (Counter claimant)**
	1. Value of the counterclaim[[3]](#endnote-3): ………………………………….
	2. Specific requirements of the Respondent (for example):
* Request for payment of goods, service remuneration, insurance compensation;
* Request for delivery of missing goods or continuation of work;
* Request fine for breach of contract, claim for damages;
* Request for interest due to delayed payment for goods and service charges;
* Other requirements, if any.
1. **Signature**
* Signature of the legal representative or an authorized representative (attached valid authorization) of the Respondent (Counter claimant) in case the Respondent is an organization.
* Signature of the Respondent (Counter claimant) or an authorized representative (attached valid authorization) in case the Respondent is an individual.
1. This content helps the Arbitral Tribunal to get an overview of the details and developments of the dispute. In the course of arbitration proceedings, the Respondent (Counter claimant) has the right to amend and supplement this content. [↑](#endnote-ref-1)
2. In the course of arbitration proceedings, the Respondent (Counter claimant) has the right to amend and supplement this content. The Arbitral Tribunal may also request the Respondent (Counter claimant) to provide further explanation or additional evidence if it is deemed necessary to resolve the dispute. [↑](#endnote-ref-2)
3. The Value of the Counterclaim is the sum of all monetary claims. The amount must be specified. The Value of the Counterclaim is the basis for HTA to calculate the arbitration fee upon the receipt of the Counterclaim. [↑](#endnote-ref-3)