

Dispute Resolution Hotline

April 09, 2024

INCORPORATION OF ARBITRAL CLAUSE BY REFERENCE: POSITION IN INDIA AND OTHER ASIAN JURISDICTIONS

This article was first published by The National Law Review on April 8, 2024.



SUMMARY

In contemporary business landscapes, transactions often involve an intricate network of interwoven sub-transactions, reflecting the complexity of modern commerce. These transactions involve multiple stakeholders entering into multiple agreements, each contributing to a collective commercial objective. While some agreements in such transactions may have detailed provisions, including on dispute resolution, other agreements may simply address specific points and seek to incorporate other provisions from earlier agreements. Upon the occurrence of a dispute, a question often arises on whether the dispute resolution clause in an earlier agreement will be applicable for disputes arising under the later agreement. We examine the position under Indian law with reference to a recent judgement of the Indian Supreme Court, and also briefly explore the position in other Asian jurisdictions.

Please click [here](#) for our detailed article.

– Soumya Gulati, Nishanth Kadur and Vyapak Desai

You can direct your queries or comments to the authors.

DISCLAIMER

The contents of this hotline should not be construed as legal opinion. View detailed disclaimer.

This Hotline provides general information existing at the time of preparation. The Hotline is intended as a news update and Nishith Desai Associates neither assumes nor accepts any responsibility for any loss arising to any person acting or refraining from acting as a result of any material contained in this Hotline. It is recommended that professional advice be taken based on the specific facts and circumstances. This Hotline does not substitute the need to refer to the original pronouncements.

This is not a Spam mail. You have received this mail because you have either requested for it or someone must have suggested your name. Since India has no anti-spamming law, we refer to the US directive, which states that a mail cannot be considered Spam if it contains the sender's contact information, which this mail does. In case this mail doesn't concern you, please unsubscribe from mailing list.

Research Papers

Littleler International Guide (India) 2024

November 08, 2024

Unmasking Deepfakes

October 25, 2024

Are we ready for Designer Babies

October 24, 2024

Research Articles

The Bitcoin Effect

November 14, 2024

Acquirers Beware: Indian Merger Control Regime Revamped!

September 15, 2024

Navigating the Boom: Rise of M&A in Healthcare

August 23, 2024

Audio

Digital Lending - Part 1 - What's New with NBFC P2Ps

November 19, 2024

Renewable Roadmap: Budget 2024 and Beyond - Part I

August 26, 2024

Renewable Roadmap: Budget 2024 and Beyond - Part II

August 26, 2024

NDA Connect

Connect with us at events, conferences and seminars.

NDA Hotline

[Click here to view Hotline archives.](#)

Video

"Investment return is not enough" Nishith Desai with Nikunj Dalmia (ET Now) at FI8 event in Riyadh

October 31, 2024

Analysing SEBI's Consultation Paper on Simplification of registration for FPIs

September 26, 2024

