

Dispute Resolution Hotline

February 11, 2025

LIMITS UNDER ARTICLES 226 AND 227: SUPREME COURT'S DICTUM ON HIGH COURTS' JURISDICTION OVER ARBITRAL ORDERS

This article was first published in www.lexology.com (February, 06, 2025).



The Arbitration and Conciliation Act, 1996 ("A&C Act") does not specify remedies to parties before courts, against procedural orders of the arbitral tribunal. In certain cases, aggrieved parties have invoked High Courts' writ and supervisory jurisdiction under Articles 226 and 227 of the Constitution of India. However, this has often led to a debate between arbitral autonomy and judicial intervention.

Recently, the Supreme Court of India, in Serosoft Solutions Pvt. Ltd. v. Dexter Capital Advisors Pvt. Ltd.,^[i] ruled on the applicable standard for interference by High Courts in a petition under Article 227 of the Constitution. While allowing the appeal against the High Court's order, the Supreme Court held that High Courts may interfere with an order of an arbitral tribunal only if such an order is ex-facie perverse.

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

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You can direct your queries or comments to the relevant member.

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