

# Dispute Resolution Hotline

November 09, 2020

**EVER CHANGING ARBITRATION LANDSCAPE IN INDIA, YET ANOTHER ATTEMPT: HIT OR A MISS!**

This article was originally published in the 05<sup>th</sup> November 2020 edition of

**Bar and Bench**

An ordinance was promulgated on November 04, 2020 amending the Indian Arbitration and Conciliation Act, 1996. In our piece titled “*Ever-changing arbitration landscape in India, yet another attempt: Hit or a Miss!*”, published in **Bar & Bench**, members of Nishith Desai Associates, argue that there was no need for specifically carving out instances when a stay on the operation of an India seated arbitration award can be granted. The existing regime was well equipped to cover instances of the underlying contract or the making of the award being induced or affected by fraud and corruption. The deletion of Eight Schedule from the Arbitration Act (which stipulated qualifications for nomination as an arbitrator) is surely a praiseworthy move and was much awaited.

The misses of the 2019 amendments, such as extending the timeline of arbitration stipulated under Section 29 A to ad-hoc international arbitration and clarifying the exceptions to the confidentiality obligations could have been addressed in the ordinance. The complete article analyzing the amendments in detail can be accessed [here](#).

— Alipak Banerjee, Payel Chatterjee & 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

### Compendium of Research Papers

January 11, 2025

### FAQs on Setting Up of Offices in India

December 13, 2024

### FAQs on Downstream Investment

December 13, 2024

## Research Articles

### INDIA 2025: The Emerging Powerhouse for Private Equity and M&A Deals

January 15, 2025

### Key changes to Model Concession Agreements in the Road Sector

January 03, 2025

### The Revolution Realized: Bitcoin's Triumph

December 05, 2024

## Audio

### Securities Market Regulator's Continued Quest Against “Unfiltered” Financial Advice

December 18, 2024

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

November 19, 2024

### Renewable Roadmap: Budget 2024 and Beyond - Part I

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 FI18 event in Riyadh

October 31, 2024

### Analysing SEBI's Consultation Paper

on Simplification of registration for  
FPIs

September 26, 2024

Scope of judicial interference and  
inquiry in an application for  
appointment of arbitrator under the  
(Indian) Arbitration and Conciliation  
Act, 1996

September 22, 2024