

# Dispute Resolution Hotline

January 22, 2020

## ENFORCEMENT OF BIT AWARDS AT BAY IN INDIA AS THE COURTS RULE OUT THE APPLICABILITY OF THE ARBITRATION AND CONCILIATION ACT 1996

This article was originally published in Asian Dispute Review – January 2020 edition.

### SUMMARY

In two cases before Indian courts involving investment treaty arbitration, the Courts have opined that the Arbitration & Conciliation Act, 1996 does not apply to investment treaty arbitration. Among other issues, this leaves the fate of BIT awards in uncertainty for purposes of enforcement in India. This article analyses the legal conundrum arising out of the Court's opinion, compares the legal position in leading international jurisdictions, and recommends remedies for enforcement of BIT awards.

For complete article please click [here](#).

– Kshama Loya Modani & Moazzam Khan

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