

# Dispute Resolution Hotline

September 19, 2019

## IS THE INDIAN ARBITRATION AND CONCILIATION ACT 1996 SPECIAL OR GENERAL LAW? (NATIONAL HIGHWAYS AUTHORITY V SAYEDABAD TEA COMPANY)

### SUMMARY:

Recently, the Supreme Court of India in *National Highways Authority of India v Sayeda-bad Tea Company* dealt with arbitral appointments under Section 11 of the Arbitration and Conciliation Act 1996 vis-a-vis Section 3G(5) of the National Highways Act 1956, which provides for appointment of an arbitrator by the central government in special situations. The Supreme Court held that the Highways Act, being a special law, has overriding effect on a general law such as the Arbitration and Conciliation Act and upheld the central government's appointment of the arbitrator, dismissing the Section 11 application .

This ruling has once again brought to the fore the discussion on special enactments overriding the provisions of a general law and is contradictory to certain earlier judgments of the Supreme Court which have held the Arbitration Act itself to be a special law. Siddharth Ratho, Payel Chatterjee and Sahil Kanuga of the International Dispute Resolution and Investigations Practice at Nishith Desai Associates consider this decision and its implications.

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

– Siddharth Ratho, Payel Chatterjee & Sahil Kanuga  
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

### M&A In The Indian Technology Sector

February 19, 2025

### Unlocking Capital

February 11, 2025

### Fintech

January 28, 2025

## Research Articles

### Re-Evaluating Press Note 3 Of 2020: Should India's Land Borders Still Define Foreign Investment Boundaries?

February 04, 2025

### 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

## 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

### Arbitration Amendment Bill 2024: A Few Suggestions | Legally Speaking With Tarun Nangia | NewsX

February 12, 2025

**What India's Transition to New Data  
Protection Law Means for Global  
Businesses**

January 23, 2025

**India 2025: The Emerging  
Powerhouse for Private Equity and  
M&A Deals**

January 16, 2025

---