

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

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