

Dispute Resolution Hotline

December 12, 2019

NDIA: SUPREME COURT RULES ON APPREHENSION OF BIAS IN ARBITRATION

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The Supreme Court of India, in the case of *Vinod Bhaiyalal Jain v Wadhvani Parmeshwari Cold Storage Pvt Ltd., Civil Appeal No.6960 of 2011 dated 24 July 2019*, was recently faced with the question of whether there existed a reasonable apprehension of bias such that an arbitral award be set aside. In this case, the arbitrator who rendered the final arbitral award in the arbitration had been engaged and was acting as counsel of one of the parties in another litigation. The Supreme Court interpreted the Arbitration and Conciliation Act 1996 (as the present case applied the law as it stood prior to the Arbitration and Conciliation (Amendment) Act 2015) to determine the arbitral award rendered by the appointed arbitrator should be set aside as the Appellants had a reasonable basis to doubt the arbitrator's ability to be independent and impartial in pronouncing the arbitral award.

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

– Bhavana Sunder & Ashish Kabra

You can direct your queries or comments to the authors

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