

Dispute Resolution Hotline

April 09, 2024

INCORPORATION OF ARBITRAL CLAUSE BY REFERENCE: POSITION IN INDIA AND OTHER ASIAN JURISDICTIONS

This article was first published by The National Law Review on April 8, 2024.



SUMMARY

In contemporary business landscapes, transactions often involve an intricate network of interwoven sub-transactions, reflecting the complexity of modern commerce. These transactions involve multiple stakeholders entering into multiple agreements, each contributing to a collective commercial objective. While some agreements in such transactions may have detailed provisions, including on dispute resolution, other agreements may simply address specific points and seek to incorporate other provisions from earlier agreements. Upon the occurrence of a dispute, a question often arises on whether the dispute resolution clause in an earlier agreement will be applicable for disputes arising under the later agreement. We examine the position under Indian law with reference to a recent judgement of the Indian Supreme Court, and also briefly explore the position in other Asian jurisdictions.

Please click [here](#) for our detailed article.

– Soumya Gulati, Nishanth Kadur and Vyapak Desai

You can direct your queries or comments to the authors.

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