

Dispute Resolution Hotline

April 11, 2012

FOREIGN ARBITRATION AWARD: CHINA (INCLUDING HONG KONG SAR AND MACAO SAR) NOTIFIED AS CONVENTION COUNTRY, 1996

An award is regarded as a foreign award in India only if it originates from one of such territories as the Central Government, being satisfied that reciprocal provisions made may, by notification in the Official Gazette, declare to be territories to which the New York Convention and Geneva Convention applies ("**Convention Countries**"). Only such foreign awards are enforceable under the statutory framework for the enforcement in India. In the case of *Bhatia International v Bulk Trading*¹, the Supreme Court held that an arbitration award not made in a convention country will not be considered a foreign award.

Thus, even if a country is a signatory to the New York Convention or Geneva Convention, it does not ipso facto mean that an award passed in such country would be enforceable in India. There has to be further notification by the Central Government declaring that country to be a Convention Country.

For Example: An award passed in arbitration with seat of arbitration in Singapore can be enforced in India as a foreign award and thus would get the recognition and protections a New York Convention Award is given internationally.

Whereas an award passed in arbitration with seat of arbitration in Indonesia will not be regarded as a foreign award and hence will not receive the recognition and protection a New York Convention Award is given even though Indonesia is a signatory to the New York Convention.

Previously there were about 46 countries to have been notified by the Central Government as Convention Countries. They are:- Australia; Austria; Belgium; Botswana; Bulgaria; Central African Republic; Chile; Cuba; Czechoslovak Socialist Republic; Denmark; Ecuador; Federal Republic of Germany; Finland; France; German; Democratic Republic; Ghana; Greece; Hungary; Italy; Japan; Kuwait; Malagasy Republic; Malaysia; Mexico; Morocco; Nigeria; Norway; Philippines; Poland; Republic of Korea; Romania; San Marino; Singapore; Spain; Sweden; Switzerland; Syrian Arab Republic; Thailand; The Arab Republic of Egypt; The Netherlands; Trinidad and Tobago; Tunisia; U.K.; U.S.S.R.; United Republic of Tanzania and United States of America.

On March 19, 2012 the Central Government has now notified People's Republic of China (including Hong Kong Special Administrative Region and the Macao Special Administrative Region of the People's Republic of China) as a Convention Country.

This is a positive and a welcome development in the field of International Arbitration in India

– Prateek Bagaria & Vyapak Desai

You can direct your queries or comments to the authors

¹ AIR 2002 SC 1432

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

Clinical Trials and Biomedical Research in India

April 22, 2025

Structuring Platform Investments in India For Foreign Investors

March 31, 2025

India's Oil & Gas Sector – at a Glance

March 27, 2025

Research Articles

2025 Watchlist: Life Sciences Sector India

April 04, 2025

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

Audio

CCI's Deal Value Test

February 22, 2025

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

NDA Connect

Connect with us at events, conferences and seminars.

NDA Hotline

[Click here to view Hotline archives.](#)

Video

Vyapak Desai speaking on the danger of deepfakes | Legally Speaking with Tarun Nangia |

**Vaibhav Parikh, Partner, Nishith
Desai Associate on Tech, M&A, and
Ease of Doing Business**

March 19, 2025

**SIAC 2025 Rules: Key changes &
Implications**

February 18, 2025