

# Dispute Resolution Hotline

September 28, 2021

## INDIAN SUPREME COURT RULES ON THE ENFORCEMENT OF FOREIGN AWARD AGAINST NON-SIGNATORIES (GEMINI BAY V INTEGRATED SALES)

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### SUMMARY

The Supreme Court of India refused to interfere with an award issued by a sole arbitrator in an arbitration seated in the USA, holding that a foreign award could be enforced against non-signatories to the arbitration agreement under the Arbitration and Conciliation Act, 1996 ("Act"). The Supreme Court also narrowed down the scope of resistance under section 48 of the Act (akin to Article V of the New York Convention) by award-debtors to the enforcement of a foreign award. The judgment is consistent with the pro-arbitration approach taken by Indian courts in the last decade. Written by Adimesh Lochan, Alipak Banerjee, Sahil Kanuga and Vyapak Desai, Members of the International Dispute Resolution and Investigations Practice, Nishith Desai Associates.

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

— Adimesh Lochan, Alipak Banerjee, Sahil Kanuga & Vyapak Desai

You can direct your queries or comments to the authors

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