

Dispute Resolution Hotline

March 23, 2017

INDIAN SUPREME COURT UPHOLDS CHOICE OF FOREIGN SEAT BY AN ARBITRAL INSTITUTION (IMAX V E-CITY)

In the recent case of IMAX Corporation v. E-City Entertainment Pvt. Ltd., the Supreme Court has upheld choice of foreign seat by an arbitral institution as exclusion of Part I of Arbitration & Conciliation Act, 1996, under the pre-BALCO regime. In this regime, parties were required to expressly or impliedly exclude application of Part-I of the Act in their arbitration agreements in order to exclude jurisdiction of Indian courts. In absence of express exclusion, several other factors were considered by Courts to determine exclusion. The Supreme Court considered choice of ICC Rules by the parties, and the consequent choice of foreign seat by ICC in consultation with parties, to operate as a clear case of exclusion of Part-I of the Act. In doing so, the Supreme Court set aside the decision of the Bombay High Court.

Durga Manda – Member, Kshama Loya Modani - Senior Member, and Vyapak Desai - Head, International Litigation & Dispute Resolution have recently written an article which was first published in the Lexis-PSL Arbitration (March 20, 2017). The article can be accessed from the link provided below:

[Indian Supreme Court upholds choice of foreign seat by an arbitral institution \(IMAX v E-City\)](#)

– Durga Priya Manda, Kshama A. Loya & Vyapak Desai
You can direct your queries or comments to the authors

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

Horizon Technologies

January 21, 2025

Compendium of Research Papers

January 11, 2025

FAQs on Setting Up of Offices in India

December 13, 2024

Research Articles

INDIA 2025: The Emerging Powerhouse for Private Equity and M&A Deals

January 15, 2025

Key changes to Model Concession Agreements in the Road Sector

January 03, 2025

The Revolution Realized: Bitcoin's Triumph

December 05, 2024

Audio

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

Renewable Roadmap: Budget 2024 and Beyond - Part I

August 26, 2024

NDA Connect

Connect with us at events, conferences and seminars.

NDA Hotline

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

Video

"Investment return is not enough" Nishith Desai with Nikunj Dalmia (ET Now) at FI18 event in Riyadh

October 31, 2024

Analysing SEBI's Consultation Paper

on Simplification of registration for
FPIs

September 26, 2024

Scope of judicial interference and
inquiry in an application for
appointment of arbitrator under the
(Indian) Arbitration and Conciliation
Act, 1996

September 22, 2024