

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

Evolution of Generative AI

July 11, 2024

From Capital to Impact: Role of Blended Finance

June 15, 2024

Opportunities in GIFT City

June 14, 2024

Research Articles

Private Client Insights - Sustainable Success: How Family Constitutions can Shape Corporate Governance, Business Succession and Familial Legacy

January 25, 2024

Private Equity and M&A in India: What to Expect in 2024?

January 23, 2024

Emerging Legal Issues with use of Generative AI

October 27, 2023

Audio

Pursuing Remedies against Non-signatories in Investment Agreements

July 03, 2024

Why is the ad industry unhappy with MIB's self-declaration mandate?

June 18, 2024

Incorporation of arbitral clause by reference: Position in India and other Asian Jurisdictions

June 12, 2024

NDA Connect

Connect with us at events, conferences and seminars.

NDA Hotline

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

Video

Self Declaration Certificate For Ads: Decoding The Complexities Of Ad Regulations

July 08, 2024

**Future of India-Mauritius tax treaty –
Impact of new Protocol on M&A
deals and Private Equity structures**

April 23, 2024

**Q&A 2024 Protocol to the Mauritius
India Tax Treaty**

April 22, 2024
