

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

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