

# Dispute Resolution Hotline

April 30, 2023

## INSTITUTIONAL ARBITRATION MAY SUFFER COLLATERAL DAMAGE

Vyapak Desai, FCI Arb and Alipak Banerjee, members from our International Dispute Resolution practice team, share insights on a recent Supreme Court of India ruling that has far-reaching consequences for arbitration landscape in India. The ruling settles the position that an arbitration clause would not be enforceable in law if the agreement is unstamped or insufficiently stamped. The authors analyse the ruling and the reference to the constitutional bench, the impact of the judgment on the parties and the growth of institutional arbitration in India.

Complete article link: <https://www.livemint.com/opinion/columns/supreme-court-rules-unstamped-arbitration-agreements-non-existent-in-law-causing-delays-in-appointment-of-arbitrators-and-impacting-ad-hoc-and-institutional-arbitrations-11682619102950.html>

– Vyapak Desai & Alipak Banerjee

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

### India's Oil & Gas Sector – at a Glance?

March 27, 2025

### Artificial Intelligence in Healthcare

March 27, 2025

### Real Estate Tokenisation

March 27, 2025

## Research Articles

### 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

### Key changes to Model Concession Agreements in the Road Sector

January 03, 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

### 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

**How Cross Border M&A Will Shape the AI Age**

February 13, 2025