

Dispute Resolution Hotline

January 22, 2020

ENFORCEMENT OF BIT AWARDS AT BAY IN INDIA AS THE COURTS RULE OUT THE APPLICABILITY OF THE ARBITRATION AND CONCILIATION ACT 1996

This article was originally published in Asian Dispute Review – January 2020 edition.

SUMMARY

In two cases before Indian courts involving investment treaty arbitration, the Courts have opined that the Arbitration & Conciliation Act, 1996 does not apply to investment treaty arbitration. Among other issues, this leaves the fate of BIT awards in uncertainty for purposes of enforcement in India. This article analyses the legal conundrum arising out of the Court's opinion, compares the legal position in leading international jurisdictions, and recommends remedies for enforcement of BIT awards.

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

– Kshama Loya Modani & Moazzam Khan

You can direct your queries or comments to the authors

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