

Lit Corner

March 05, 2021

BOMBAY HIGH COURT PRONOUNCES LANDMARK RULING ON SEAT OF ARBITRATION

MATTER BRIEF

The Hon'ble Division Bench of the Bombay High Court in the case of *Aniket SA Investments LLC v. Janapriya Engineers Syndicate Private Limited* (Commercial Appeal No. 504 of 2019) pronounced a landmark decision on the interplay between the 'seat of arbitration' and an 'exclusive jurisdiction' clause.

Aniket SA Investments LLC (the original Petitioner) had filed a petition under Section 9 of the Arbitration and Conciliation Act, 1996 seeking certain interim reliefs. The arbitration agreement between the parties stipulated that the 'seat' of arbitration was Mumbai. The governing law and jurisdiction clause specified that 'subject to' the arbitration clause, the courts of Hyderabad shall have exclusive jurisdiction to try and entertain any disputes arising out of the agreement. The Learned Single Judge of the Bombay High Court had dismissed the petition by holding that the courts at Hyderabad would have jurisdiction to hear applications arising out of the arbitration.

Aniket SA Investments LLC appealed this decision. The Hon'ble Division Bench allowed the appeal and held that:

- A choice of seat is in itself an expression of party autonomy and carries with it the effect of conferring exclusive jurisdiction on the courts of the seat.
- The choice of court at Hyderabad has clearly been made 'subject to' the arbitration clause. The plain language of the arbitration clause states that Mumbai is the chosen seat of arbitration. Therefore, the courts in Mumbai would have exclusive jurisdiction.
- Further, even if it was to be interpreted that two concurrent courts would have jurisdiction, the choice of courts at Hyderabad is made 'subject to' the seat at Mumbai, which amounts to a choice of courts at Mumbai.

The Hon'ble Division Bench set aside the order of the Learned Single Judge and directed that the Section 9 petition can proceed on merits before the Bombay High Court.

OUR ROLE

We, at **Nishith Desai Associates**, successfully acted as the legal counsel to Aniket SA Investments LLC, the original petitioner and appellant in this matter.

The judgment of the Hon'ble Bombay High Court is available [here](#).

— Bhavana Sunder, Alipak Banerjee & 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

M&A In The Indian Technology Sector

February 19, 2025

Unlocking Capital

February 11, 2025

Fintech

January 28, 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

Arbitration Amendment Bill 2024: A Few Suggestions | Legally Speaking With Tarun Nangia | NewsX

February 12, 2025

**What India's Transition to New Data
Protection Law Means for Global
Businesses**

January 23, 2025

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

January 16, 2025
