



**India International
Arbitration Centre**
GLOBAL • EFFICIENT • CREDIBLE

The IIAC Bulletin

Inaugural Edition | October 2025 | www.indiaiac.org

Marching Towards Creating an Independent and Autonomous Regime for Institutional Arbitration

The India International Arbitration Centre (IIAC), established by the India International Arbitration Centre Act, 2019, aims to foster a world-class institutional arbitration framework. Recognized as an institution of national importance, IIAC offers a neutral and efficient platform for resolution of commercial dispute, both domestic and international. With a vision to position India as a global arbitration hub, the Centre is driven by principles of “Global . Efficient . Credible ”



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Objects and Functions

The objects and functions of the IIAC, among other things, are as follows:

- to bring targeted reforms to develop itself as a flagship institution for conducting international and domestic arbitration in India;
- to promote research and study, providing teaching and training, organising conferences and seminars on arbitration and other alternative dispute resolution mechanisms;
- to provide facilities and administrative assistance for arbitral proceedings;
- to maintain panels of accredited arbitrators both at national and international level;
- to collaborate with other national and international institutions and organisations for ensuring credibility of the IIAC as a specialised institution in arbitration;
- to set up facilities in India and abroad to promote the activities of the IIAC;
- to facilitate the conduct of international and domestic arbitration in the most professional manner;
- to provide cost effective and timely services for the conduct of arbitration;
- to promote studies in the field of alternative dispute resolution;
- to impart training in alternative dispute resolution to those who are handling arbitration.

Message From The Chairperson



HON'BLE MR. JUSTICE HEMANT GUPTA (RETD.)
Former Judge, Supreme Court of India
Chairperson, India International Arbitration Centre

The future of economy demands a dispute resolution system that is swift, reliable, and globally respected. In recognition of this evolving need, India has taken a significant step by establishing the India International Arbitration Centre (IIAC) under the India International Arbitration Act, 2019. This forward-looking initiative reflects a commitment to position India as a prominent centre for international arbitration.

The IIAC, declared an Institution of National Importance by Parliament, symbolizes more than a legal framework—it represents India's resolve to align its dispute resolution infrastructure with the best global standards. Its establishment is a strategic move to encourage confidence among domestic and international businesses, while also supporting the judiciary by promoting the use of Alternative Dispute Resolution (ADR).

The Centre has taken a proactive approach in setting high standards for institutional arbitration. From a comprehensive empanelment process that values both experience and emerging talent, to the implementation of fast-track procedures and emergency arbitrator appointments, IIAC's regulatory architecture is both progressive and practical.

Crucially, the IIAC's efforts extend beyond procedure—they reflect a vision. Through conferences, collaborative agreements, and educational initiatives, the Centre is not only building capacity within the legal ecosystem but also shaping a culture of trust and efficiency in arbitration. Its collaboration with leading public sector entities, alongside its educational outreach, speaks to a holistic and inclusive approach.

India's legal and commercial community stands at the threshold of transformation. The IIAC is poised to play a defining role in making India a preferred destination for resolving complex international disputes. This is a shared endeavour that calls upon the wisdom, expertise, and support of the entire legal fraternity.

Let us lend our collective strength to this national institution and take pride in shaping a new chapter in India's legal and economic journey—one that reflects both our heritage and our aspirations.

Members of the IIAC

- Hon'ble Justice Hemant Gupta, Former Judge, Supreme Court of India & Chairperson, IIAC
- Dr. Ajay Sahai, Director General & CEO, FIEO – Part-time Member, IIAC
- Mr. Anant Vijay Palli, Senior Advocate, Supreme Court of India – Part-time Member
- Mr. Ganesh Chandru, Advocate & Arbitrator – Part-time Member, IIAC
- Dr. Anju Rathi Rana, Law Secretary, Department of Legal Affairs – Ex-Officio Member
- Ms. Ranjana Chopra, Financial Advisor, Ministry of Finance – Ex-Officio Member
- Mr. Navin Kumar Singh, Chief Executive Officer, IIAC – Ex-Officio Member

The Chamber of Arbitration

The Chamber of Arbitration, established by the IIAC, will scrutinise the applications for admission to the panel of arbitrators and thereafter empanel arbitrators. The Chamber of Arbitration shall consist of experienced arbitration practitioners of repute (at national and international level) and persons having wide experience in the area of alternative dispute resolution.

Members include:

- Dr. Hon'ble Justice A.K. Sikri (Retd.) – Former Judge, Supreme Court of India, International Judge, SIAC
- Mr. Gourab Banerji – Senior Advocate, Supreme Court of India
- Mr. P.K. Malhotra – Former Union Law Secretary
- Mr. Salim Moolan K.C. – Brick Court Chambers
- Ms. Sherina Petit – Partner, Stewarts
- Dr. Rajiv Mani – Secretary, Legislative Department, Ministry of Law and Justice
- Hon'ble Justice Hima Kohli – Former Judge, Supreme Court of India
- Ms. Payal Chawla – Founder, JusContractus
- Dr. Anju Rathee Rana – Law Secretary, Department of Legal Affairs, Ministry of Law and Justice
- Ms. Shukla Wassan – Fellow Member Chartered Institute of Arbitrators (UK & Institute of Company Secretaries of India)
- Mr. Mysore Prasanna – Advocate

Mr. Vinay Kumar Sanduja, Registrar, IIAC is the Member Secretary to the Chamber of Arbitration.

Message From The CEO



Mr. Navin Kumar Singh
Chief Executive Officer, IIAC

Dispute resolution process has a huge impact on the economy and doing business in our country. The rapidly changing economic activity demands expeditious settlement of disputes, creation, and establishment of mechanism such as institutional arbitration. This is necessary to inspire confidence and credibility among the litigants of commercial disputes. The huge pendency of cases in courts further underlines the need for strengthening the Alternative Dispute resolution Mechanism.

Arbitration is well known mechanism for alternative dispute resolution. There are primarily two modes for conducting arbitration i.e. Ad-hoc arbitration and Institutional arbitration. In Ad-hoc arbitration, the arbitration process and procedure are directly managed by the parties, whereas in Institutional Arbitration, the arbitration is administered by an Institution as per their rules. Hitherto, most of the arbitrations in India are being held through Ad-hoc mechanism. However, considering the drawbacks of Ad-hoc arbitration, a need has been felt to promote Institutional Arbitration in India.

Institutional Arbitration gives parties a structured framework and support throughout the arbitration process by providing administrative support, procedural rules, and lists of qualified arbitrators. Involvement of an institution will not only improve productivity but also guarantee procedural justice and make enforcement of award easier and faster.

With a view to create an independent and autonomous regime for institutional arbitration in India, Parliament has enacted India International Arbitration Act, 2019 and pursuant thereto India International Arbitration Centre (IIAC), an institute of national importance, has been established. IIAC aims to inspire confidence amongst parties (both domestic and international) by providing a neutral dispute resolution platform for resolution of commercial disputes through a seamless arbitral process.

IIAC has framed India International Arbitration Centre (Conduct of Arbitration) Regulations, 2023 (“IIAC Regulations”) for conduct of arbitration administered by it. The said Regulation contains provisions regarding joinder of additional parties, consolidation of arbitrations, multi-party appointment of arbitrator, fast track procedure, emergency arbitrator etc. IIAC facilitates the conduct of arbitration in the manner as specified by IIAC Regulations.

IIAC has also framed the India International Arbitration Centre (Criteria for Admission to the panel of Arbitrators) Regulations, 2023 delineating the mechanisms for empanelment of Arbitrators. IIAC has constituted Chamber of Arbitrators consisting of eminent experts in the field of arbitration who decides on the empanelment of Arbitrator. IIAC's pool of Arbitrators comprises Former Judges, Advocates, Architects, Chartered Accountants / Company Secretaries / Cost and Work Accountants, Engineers, Other Professionals. The IIAC has a separate Panel of Arbitrators for Domestic Arbitration as well as International Arbitration

The Chairperson of IIAC is appointed in consultation with Chief Justice of India. Under IIAC Regulation Chairperson is empowered to decide on the issues, if any arises, regarding appointment of arbitrator, challenge of arbitrator, substitution of arbitrator etc.

There is a Secretariat consisting of Registrar, Deputy Registrar, Counsel/s, Assistant Registrar/s for conduct and administration of arbitration under IIAC regulations. IIAC is having good infrastructure of conduct of arbitration. IIAC provides cost effective and timely services for the conduct of arbitration and other forms of ADR at national and international level.

IIAC is strategically located at Vasant Kunj, New Delhi which is close to the New Delhi Airport and near important commercial areas and business centres in the capital. IIAC will be shortly establishing well-furnished, comfortable, and state-of-the-art hearing rooms of various sizes for the conduct of arbitral proceedings at World Trade Centre, Nauroji Nagar, New Delhi. IIAC will have world class facilities equipped with the latest technology to facilitate seamless arbitral proceedings. From spacious meeting rooms to cutting-edge video conferencing capabilities, the IIAC will ensure that every aspect of the arbitration process is conducted with efficiency and professionalism.

Given the substantial benefits the IIAC's Regulations offer; we strongly encourage parties to consider including the IIAC Model Clause (available on https://indiaiac.org/arbitration/model_clause) in their contracts. This will not only simplify the resolution of any disputes but will also demonstrate a commitment to adopting modern, effective dispute resolution mechanisms.

Infrastructure Upgrades

Projection Of IIAC Facility at the World Trade Centre

Site Plan



Site Photographs



Arbitration Room



Arbitration Room



Small Arbitration Room



Judge's Lounge



Lawyer's Lounge



Library



Events

India International Arbitration Centre in collaboration with Baker McKenzie organized a Colloquium on the theme “International Arbitration: Indian Perspective”

The India International Arbitration Centre (IIAC), in collaboration with Baker McKenzie, hosted a colloquium focused on strengthening institutional arbitration in India. The event comprised an Inaugural Session, four Technical Sessions, and a Valedictory Session, bringing together eminent legal minds and policymakers to explore emerging trends and reforms in international arbitration.

The then Hon’ble Vice-President of India, Shri Jagdeep Dhankhar, delivered the Keynote Address, calling for a shift from dispute resolution to *difference settlement*, minimal judicial interference, and greater inclusion of domain experts.

Dr. Kamalinne Pinitpuvadol, Secretary-General, AALCO, proposed collaborative initiatives with IIAC; Attorney General R. Venkataramani emphasized party autonomy and policy alignment.

A MoU between IIAC and AALCO was also signed to promote institutional arbitration across Asia and Africa.

Technical Sessions focused on the role of government and structural reforms to strengthen arbitration in India, Explored global trends in arbitration agreements and jurisdiction, urging a pro-arbitration culture over legislative dependence, Discussed capacity building and the need to shift from ad-hoc to institutional arbitration and Addressed court support and global judicial trends in arbitration.

Valedictory Session was graced by Hon’ble Mr. Justice Surya Kant (Judge, Supreme Court of India), Hon’ble Justices Vibhu Bakhru and Tejas Karia (Judges, Delhi High Court), and Dr. Rajiv Mani (Secretary, Legislative Department, Ministry of Law and Justice), the session underscored India’s potential as a global arbitration hub and the importance of expanding Alternative Dispute Resolution to Tier-2 cities in India.

Events



Events

National Seminar on 'Courtroom to Boardroom'

The India International Arbitration Centre (IIAC) was honored to be a part of the National Seminar on 'Courtroom to Boardroom' held at Bharati Vidyapeeth's Educational Campus, New Delhi on 7th March 2025. Hon'ble Mr. Justice Hemant Gupta (Retd.), Chairperson, IIAC, delivered an insightful address during the Inaugural Session, emphasizing the growing intersection of law and media in today's digital era and the evolving role of Arbitration & Alternative Dispute Resolution (ADR) in India's fast-paced economic landscape.



Events

Third Party Funding in Arbitration – Bane or Boom”

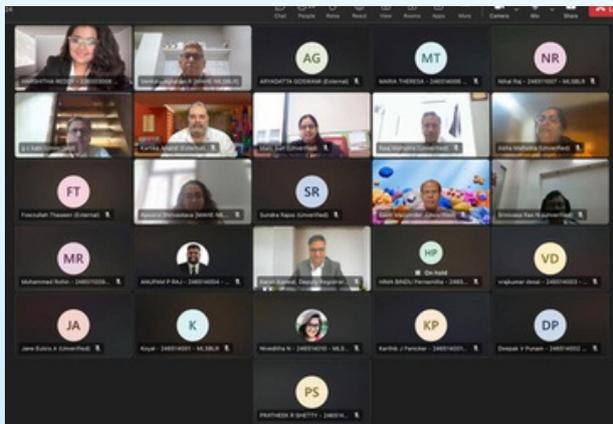
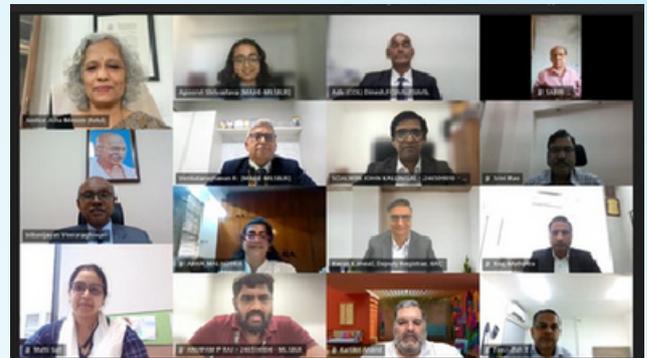
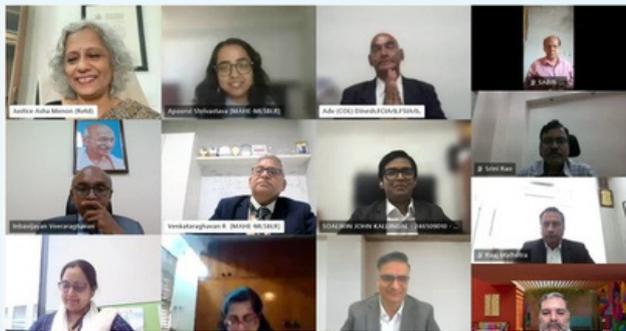
The India International Arbitration Centre (IIAC) was honored to be a part of the conference organised by Society for Excellence in Arbitration Law at Dr. Ram Manohar Lohiya National Law University, Lucknow on the dynamic topic “Third Party Funding in Arbitration – Bane or Boom”. Shri Karan Kanwal, Deputy Registrar, IIAC, was invited as a distinguished speaker and shared his perspectives on the evolving role of third-party funding in arbitration—highlighting its potential to enhance access to justice, while also addressing the associated legal and ethical complexities.



Events

Online Arbitration Training Workshop

The India International Arbitration Centre (IIAC), in collaboration with Manipal Law School, Bengaluru (MLS), MAHE, organised an Online Arbitration Training Workshop to provide legal professionals and arbitrators with a structured and practice-oriented understanding of arbitration.



Events

"Adapting to the Digital Era: Innovative Techniques for Selecting the Most Effective Dispute Resolution Mechanism"

The India International Arbitration Centre (IIAC) was honored to be a part of the International Conference on "Adapting to the Digital Era: Innovative Techniques for Selecting the Most Effective Dispute Resolution Mechanism", at Bennett University in collaboration with GAIL(India) Limited.

Shri Navin Kumar Singh, Chief Executive Officer, IIAC, was invited as a distinguished panelist and shared valuable insights during the panel discussion on "Challenges and Opportunities for Settling Oil and Gas Disputes through Mediation". He highlighted the role of institutions like IIAC in promoting effective, technology-driven alternative dispute resolution mechanisms, including mediation, for resolving complex disputes in the oil and gas sector.



Events

"Conference on "Institutional Arbitration: An Effective Framework for Dispute Resolution"

The National Conference on "Institutional Arbitration: An Effective Framework for Dispute Resolution", held on 14th June 2025, organized by the Department of Legal Affairs, Ministry of Law & Justice, in collaboration with the India International Arbitration Centre (IIAC) and Oil and Natural Gas Corporation Limited (ONGC). The conference brought together key stakeholders from Public Sector Undertakings (PSUs) and leading experts in the field of arbitration, providing a dynamic platform for meaningful dialogue and exchange of insights. The event aimed to advance the discourse on institutional arbitration in India, highlighting the country's evolving dispute resolution landscape, and emphasizing the pivotal role of Public Sector Undertakings (PSUs) in fostering trust and efficiency in arbitration practices.

With the gracious presence of Hon'ble Shri Arjun Ram Meghwal, Minister of State (Independent Charge), Ministry of Law and Justice; Mr. K Moses Chalai, Secretary, Department of Public Enterprises, Ministry of Finance; Dr. Anju Rathi Rana, Secretary, Department of Legal Affairs, Ministry of Law & Justice; and Mr. Arun Kumar Singh, Chairman, ONGC, the conference was enriched by diverse insights and high-level participation.



Events

"Conference on "Institutional Arbitration: An Effective Framework for Dispute Resolution"



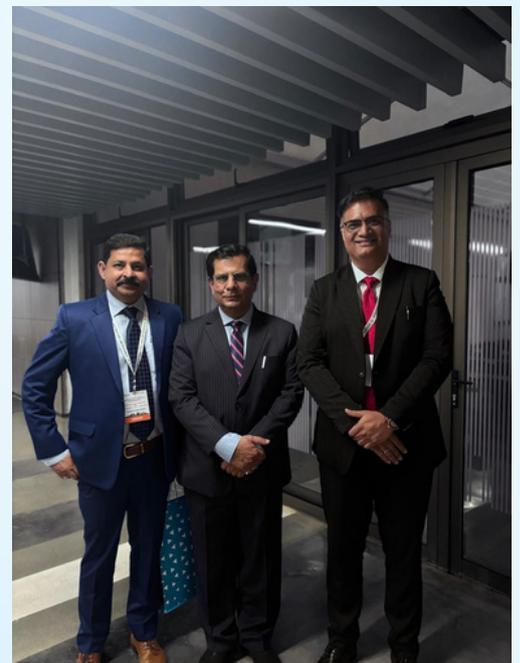
Events

The Second Conference on Construction Law – Constructing Legal Foundations 2025

Held on 15th June 2025 at Manipal Law School, Bengaluru, brought together eminent professionals and legal experts to explore the evolving interface of law, technology, and sustainability in the construction industry.

As a supporting organisation, the India International Arbitration Centre (IIAC) was represented by Mr. Navin Kumar Singh, Chief Executive Officer and Mr. Karan Kanwal, Deputy Registrar.

Mr. Navin Kumar Singh joined as a panelist and shared deep insights on the role of institutional arbitration in enabling timely and efficient dispute resolution in large-scale infrastructure projects.



Events

"World Café Style Conference hosted by the UPES School of Law Dehradun"

The India International Arbitration Centre (IIAC) was invited to the World Café Style Conference hosted by the UPES School of Law Dehradun at the Taj Mahal Hotel, New Delhi.

Hon'ble Justice Hemant Gupta (Retd.), Chairperson IIAC, graced the occasion as the Chief Guest and delivered the Keynote Address on the theme "Indian Arbitration at a Crossroads: Reform, Resistance, and the Future as an Arbitration Hub."

Mr. Navin Kumar Singh, CEO, IIAC, also joined as a panelist and shared his insights on "Enforcement of Awards: Winning on Paper, Losing in Practice," contributing meaningfully to the discourse on strengthening India's arbitration ecosystem.

The event brought together leading voices from the legal fraternity, policy makers, and academia in a dynamic World Café format, enabling rich discussions on the path forward for institutional arbitration in India.



Events

CII Seminar on “Legal & Regulatory Framework for India’s Energy Sector: Imperatives for Investment & Growth”

The India International Arbitration Centre (IIAC) was invited to the CII Seminar on “Legal & Regulatory Framework for India’s Energy Sector: Imperatives for Investment & Growth” held on 3rd July 2025 at India Habitat Centre, New Delhi.

Mr. Navin Kumar Singh, CEO, IIAC was invited as a distinguished panelist in the session titled “Marketing Trends & Concerns in Oil & Gas Sector: Futuristic Solutions”. The session saw enriching deliberations on key contractual, regulatory, and marketing issues within the Oil & Gas sector. Mr. Singh discussed the key issues pertaining to the legal & regulatory framework of the downstream Oil & Gas sector.



Events

Partner Event during the Singapore Convention Week on the theme Selection of Arbitrators in India-Related Disputes

India International Arbitration Centre in collaboration with the Drew & Napier hosted a special session on “Selection of Arbitrators in an India-Related Dispute” as part of Singapore Convention Week 2025.

The event was graced by the Hon’ble Law Minister Shri Arjun Ram Meghwal, Minister of State, (Independent Charge) Ministry of Law and Justice, Government of India, who delivered the keynote address highlighting India’s historic roots of arbitration and its vision of becoming a global hub.

Mr. Jimmy Yim, SC, Chairman, Drew & Napier LLC reflected on Singapore’s emergence as Asia’s leading arbitration centre, while Mr. Shilpak Ambule, High Commissioner of India to Singapore emphasized the broader strategic partnership between the two nations.

Dr. Anju Rathi Rana, ILS, Law Secretary, Ministry of Law and Justice, Government of India underlined the importance of institutional capacity-building to meet the demands of cross-border commerce.

Following on the panel discussion was moderated by Abhinav Bhushan. Director. The discussion brought together diverse perspectives from Honble Mr. Justice Hemant Gupta (Retd.), Chairperson, IIAC; Dr. Pinky Anand, Senior Advocate & Former Additional Solicitor- General of India; Dr. Sanjeev Gemawat, Managing Director & Group General Counsel, Essar Group; Nitesh Jain, Director, Drew & Napier LLC; and Mahesh Rai, Partner, Trilegal.

Mr. Ganesh Chandru, Part-time Member, IIAC concluded the session with the closing remarks.



Events



Events

National Conference on Alternate Dispute Resolution (Arbitration, Conciliation and Mediation) organised by the ALL INDIA MANUFACTURERS ORGANIZATION(AIMO), Tamil Nadu State Board

Mr Vinay Kumar Sanduja, Registrar, India International Arbitration Centre (IIAC) was invited as distinguished panelist at the National Conference on Alternate Dispute Resolution (Arbitration, Conciliation and Mediation) organised by the ALL INDIA MANUFACTURERS ORGANIZATION(AIMO), Tamil Nadu State Board on 30 August 2025 at Hotel Hilton, Chennai.

He shared valuable insights on the topic of the session “Mediation in MSME Disputes: A Missed Opportunity?” and provided impetus to the discussion “Use of Micro and Small Enterprises Facilitation Councils (MSEFC)- what works and what does not”, in the light of judicial decisions.

He underscored the importance of IIAC (Conduct of Micro and Small Enterprises Arbitration) Regulations, 2024 for promoting faster and more effective resolution of Micro and Small Enterprises (MSE) disputes and discussed salient features of IIAC Regulations.

The discussion highlighted the critical role of mediation in resolving MSE disputes, the challenges faced, and the way forward for institutional arbitration in India.



Events

Oxford-Style Debate on the motion: "This House believes that Institutional Arbitration is the Complete Solution to Restore the Faith of PSUs in Arbitration as the Preferred Mode of Dispute Resolution"

The India International Arbitration Centre (IIAC) hosted an Oxford-Style Debate at the Delhi High Court as part of the Delhi Arbitration Weekend 2025 (DAW 2025) on the motion:

"This House believes that Institutional Arbitration is the Complete Solution to Restore the Faith of PSUs in Arbitration as the Preferred Mode of Dispute Resolution"

The debate was judged by esteemed panel of jury comprising:
Hon'ble Mr. Justice Devendra Kumar Upadhyaya, Chief Justice, High Court of Delhi.

Hon'ble Mr. Justice Hemant Gupta (Retd.), Former Judge, Supreme Court of India & Chairperson, India International Arbitration Centre (IIAC).

Dr. Anju Rathi Rana, ILS, Secretary, Ministry of Law and Justice, Government of India.

The debate witnessed compelling arguments both for and against the motion, led by eminent speakers.

Speaking for the motion were Mr. Dhyan Chinnappa, Senior Advocate; Mr. Rajshekhar Rao, Senior Advocate; and Ms. Manini Brar, FCIArB, Advocate.

Speaking against the motion were Mr. Jayant Mehta, Senior Advocate; Mr. Akshay Bhan, Senior Advocate; and Ms. Payal Chawla, Advocate.

The session concluded with a Vote of Thanks delivered by Mr. Navin Kumar Singh, CEO, India International Arbitration Centre (IIAC).

The event drew enthusiastic participation from the judiciary, government officials, advocates, and law students, making it a truly enriching experience and exchange of perspectives on the future of Institutional Arbitration as a preferred mode of Dispute Resolution.

Events





Events

Webinar on Institutional Arbitration: An Appropriate Dispute Resolution Mechanism

The India International Arbitration Centre (IIAC), in collaboration with FEDERATION OF INDIAN EXPORT ORGANISATIONS (FIEO), hosted a webinar on “Institutional Arbitration: An Appropriate Dispute Resolution Mechanism”

The Webinar was graced by distinguished panel of speakers who shared their insights on the importance of institutional arbitration, its role in ensuring efficiency, transparency, and fairness in resolution of commercial disputes involving Indian exporters and their business partners.

The Webinar was moderated by Mr. Abhishek Gupta, Advocate;
Esteemed Speakers included:

Hon’ble Justice Hemant Gupta (Retd.) FCI Arb , Former Judge, Supreme Court of India and Chairperson, IIAC;

Mr. Gourab Banerji, Senior Advocate;

Mr. Gauhar Mirza, Partner, Saraf and Partners;

Ms. Mumtaz Bhalla, FICA, MCI Arb , Partner, Economic Laws Practice (ELP);

Mr. Raj Kamal, Director, Directorate General of Foreign Trade (DGFT)



Collaborations & MoUs

MoU between IIAC and Indian Institute of Management(IIM) Rohtak

IIAC and IIM, Rohtak signed an MoU on 30 April 2023 at New Delhi for undertaking collaborative activities to develop awareness campaign and promotion campaigns that will align the goals of IIAC in making India an international hub for arbitration and can help strengthen the role of arbitration making India a preferred stop to conduct international disputes.



Collaborations & MoUs

MoU between IIAC and the Royal Institution of Chartered Surveyors (RICS)

IIAC and the Royal Institution of Chartered Surveyors (RICS), founded in London in 1868, a global professional body for those working in the Built Environment, Construction, Land, Property and Real Estate, entered into a Memorandum of Understanding (MOU) on 17 October 2023 at New Delhi. Among other things, the MOU envisions collaboration to explore the development and provision of training and continued professional development for all arbitrators involved in IIAC construction and infrastructure arbitration to ensure that those from a legal background are provided with sector specific technical knowledge, and those from a sector specific technical background are provided with appropriate legal knowledge. MoU also envisions joint training program in mediation.



Collaborations & MoUs

MoU between IIAC and Rashtriya Raksha University (RRU)

IIAC and Rashtriya Raksha University (RRU), an Institution of National Importance under the Ministry of Home Affairs entered into an MOU on 05 December 2023 at Gujarat during 2nd RRU Investment Arbitration Academy. Among others, MoU aims to synergize the expertise of the RRU and IIAC by accrediting academic programmes, undertaking up-skilling and training programmes, encouraging research and study in the fields of arbitration and other forms of alternative dispute resolution mechanism, both domestic and international and online education through the various entities created under the aegis of RRU.



Collaborations & MoUs

MoU between IIAC and Bhashini - (Digital India BHASHINI Division)

India International Arbitration Centre (IIAC) has signed Memorandum of Understanding (MOU) with BHASHINI - (Digital India BHASHINI Division). IIAC has chosen Bhashini's cutting-edge software for managing MSE arbitration processes. This strategic partnership marks a significant step towards enhancing efficiency and transparency in arbitration. The collaboration will streamline and optimize arbitration procedures, ensuring fair and swift resolutions for all parties involved. By leveraging advanced algorithms and intuitive interfaces, we aim to revolutionize the way arbitration is conducted, empowering arbitrators and participants alike.



Collaborations & MoUs

Memorandums of Understanding (MOUs) with international arbitration and mediation centres, across Asia at the Asia ADR Summit

IIAC signs Memorandums of Understanding (MOUs) with international arbitration and mediation centres, across Asia at the Asia ADR Summit, 2024 in Malaysia.

The IIAC entered into a Memorandums of Understanding (MOUs) with various international arbitration and mediation centres, across Asia, namely, (i) **Asian Institute of Alternative Dispute Resolution**, Malaysia; (ii) **Borneo International Centre for Arbitration and Mediation (BICAM)**; (iii) **Maldives International Arbitration Centre**; (iv) **Vietnam Traders Arbitration Centre (VTA)**.



Collaborations & MoUs

MoU between IIAC AND Ministry of Ports, Shipping and Waterways (MoPSW)

India International Arbitration Centre (IIAC) signed a MoU with the Ministry of Ports, Shipping and Waterways (MoPSW) , Government of India for establishment of India International Maritime Dispute Resolution Centre (IIMDRC) as a branch of IIAC at Mumbai.

In a significant stride towards promoting India as a prime destination for effective and quality maritime dispute resolution through alternate dispute resolution methods including arbitration and mediation.



Collaborations & MoUs

MoU between IIAC and Asian-African Legal Consultative Organisation (AALCO):

IIAC and AALCO signed an MoU on 01 April 2025 at New Delhi marking a step forward in fostering international arbitration cooperation.



Student Corner

India's Arbitration Crossroads: Strategic Recalibration or Silent Retreat Amid Cultural, Structural, and Systemic Challenges-

India finds itself at a pivotal juncture in its arbitration journey. Once seen as a country brimming with potential to become an international arbitration hub, India is now navigating a complex path—balancing reform with resistance, tradition with transformation, and ambition with ambiguity. The nation's efforts at repositioning itself in the global arbitration ecosystem have faced several cultural, structural, and systemic headwinds. As stakeholders increasingly question whether the current phase reflects a strategic recalibration or a silent retreat, the future of arbitration in India appears uncertain yet undeniably critical.

The Promise and the Pitfalls-

India's aspiration to be a leading seat of arbitration stems from the need to foster investor confidence, reduce judicial backlog, and align with global standards of commercial dispute resolution. Landmark reforms in the Arbitration and Conciliation Act, 1996—especially through the 2015, 2019, and 2021 amendments—signaled the government's intent to modernize arbitration laws and promote efficiency, transparency, and minimal court intervention.

However, beneath these legislative overhauls lies a more stubborn set of challenges. The procedural delays, high cost of arbitration, inconsistent judicial decisions, and weak institutional framework have deterred the business community from viewing India as a reliable arbitration destination. Instead, parties often opt for jurisdictions like Singapore, London, and Paris, which offer consistency, neutrality, and predictability.

Cultural Barriers: The Shadow of Litigation-

India's legal culture, deeply embedded in an adversarial and court-centric system, presents one of the most enduring challenges to arbitration. Litigation remains the default mindset, especially among lawyers and parties who equate legal success with procedural length and aggressive tactics. The concept of confidentiality, streamlined procedures, and finality in arbitration is often resisted or misunderstood.

Moreover, there is an inherent mistrust among Indian parties about privately appointed arbitrators, particularly in cases involving government entities. This results in an over-reliance on the judiciary, undermining the autonomy of arbitral tribunals. The frequent judicial interference in arbitral processes—despite the statutory emphasis on limited intervention—has only reinforced this culture of suspicion.

Structural Inefficiencies: Institutional Deficits-

India's arbitration ecosystem is heavily dependent on ad hoc arbitration, which lacks institutional oversight and standardized procedures. While institutions like the Mumbai Centre for International Arbitration (MCIA) and the Indian Council of Arbitration (ICA) exist, their utilization remains low. Ad hoc mechanisms, often plagued by delays in appointment, cost disputes, and procedural confusion, lead to outcomes that are inconsistent and unpredictable.

In contrast, leading arbitral seats across the globe thrive on strong institutions that offer robust administrative support, experienced panels, and consistent enforcement mechanisms. Without strengthening institutional arbitration in India and promoting it as the default, the nation risks being stuck in a cycle of inefficiency.

Systemic Challenges: The Role of the Judiciary-

While Indian courts have made notable strides in arbitration jurisprudence—especially the Supreme Court's pro-arbitration judgments like BALCO, Enercon, and PASL Wind—the inconsistency in lower court decisions continues to undermine the reliability of arbitration outcomes. Arbitrators and parties are frequently drawn into prolonged litigation, especially during the enforcement stage or when setting aside awards.

The judiciary's dual role as both a protector of due process and an active participant in arbitration-related litigation often leads to contradictory outcomes. For example, public policy remains an ambiguously defined ground for refusing enforcement, and divergent interpretations by different courts contribute to uncertainty. Until such systemic unpredictability is resolved, India's arbitration regime will struggle to inspire global trust.

Recalibration or Retreat?

The recent slowdown in legislative reforms and the tepid pace of institutional development have sparked a debate: is India strategically recalibrating its approach to arbitration, or is it quietly stepping back from its earlier ambitions?

One could argue that India is cautiously reassessing its priorities to avoid poorly implemented reforms that fail in execution. The establishment of the India International Arbitration Centre (IIAC) is a move in this direction. However, its progress has been slow, and its visibility low.

Conversely, the lack of bold initiatives, tepid governmental support for arbitration institutions, and the absence of a national strategy have prompted concerns that India may be silently retreating from its vision of becoming an arbitration hub. The decision to remove the controversial provision for automatic stay on enforcement of awards (introduced in 2015 and rolled back in 2021) showed promise—but such steps need consistency and continuity.

A Way Forward: Recommendations for Revival

To truly realize its arbitration potential, India must undertake a multi-pronged reform strategy that goes beyond legislative tinkering:

1. Promote Institutional Arbitration

Government and judiciary must actively encourage the use of institutions like IAC and MCI. Mandatory institutional arbitration in government contracts could serve as a starting point

2. Strengthen Judicial Training

Judges at all levels should receive specialized training in arbitration law and practices to ensure consistency in decision-making and reduce unnecessary intervention.

3. Reform Legal Education and Practice

Law schools must emphasize alternative dispute resolution (ADR) mechanisms in their curriculum. At the same time, legal professionals must be incentivized to adopt arbitration friendly practices and ethics.

4. Public-Private Partnerships

The government should foster collaboration with international arbitration bodies, industry stakeholders, and academia to build a robust, dynamic, and globalized arbitration culture.

5. Digital and Procedural

Innovation Investing in digital arbitration platforms and fast-track procedures can significantly reduce time and cost, especially for small and medium enterprises (SMEs).

6. Simplify Enforcement and Minimize Judicial Intervention

Clarify and narrow the scope of public policy as a ground for refusal of enforcement. Establish specialized arbitration benches to handle arbitration-related litigation.

Conclusion:

India's arbitration journey stands at a critical crossroads. The path ahead demands not just legal reform, but a cultural shift, institutional robustness, and a commitment to systemic discipline. Without decisive action, India risks losing credibility among international stakeholders and investors who seek predictability and efficiency in dispute resolution. Whether India's current phase represents a strategic recalibration or a quiet retreat will ultimately depend on the leadership of its legal, judicial, and political institutions. Arbitration is not just a technical tool; it is a symbol of a nation's readiness to engage with the global economy on equitable, fair, and efficient terms. The time to act decisively is now—before the crossroads becomes a cul-de-sac.

**By-Shaurya Saraswat
Advocate**

Arbitration Judgements

Supreme Court:

1. Arabian Exports (P) Ltd. v. National Insure Co. Ltd.

The insured after receiving Rs. 1.88 crore out of a Rs. 5.71 crore claim and issuing a full and final discharge voucher, sought arbitration. The Bombay High Court rejected the arbitration request. The Supreme Court reversed this decision stating that whether the voucher was signed under economic duress is for the arbitral tribunal to decide under Section 11(6) of the Arbitration and Conciliation Act, 1996. It was held that the High Court erred in not referring the dispute to arbitration.

2. Office for Alternative Architecture v. Ircon Infrastructure and Services Ltd.

The Delhi High Court while appointing an arbitrator, excluded some claims as non-arbitrable. The Supreme Court held that such a bifurcation cannot be done at the Section 11 stage. The Court emphasised that the arbitrator should determine arbitrability without being influenced by the Court's view. The High Court's exclusion of claims was set aside, reiterating that Section 11 only concerns the existence of an arbitration agreement.

3. M/S Harcharan Dass Gupta v. Union of India

ISRO issued a construction tender. Despite the contract designating Bengaluru as the arbitration seat the MSMED Act proceedings occurred in Delhi. The Supreme Court upheld Delhi's jurisdiction, affirming that the MSMED Act overrides the Arbitration and Conciliation Act, 1996. It ruled that private contracts cannot override statutory rights and the supplier registered in Delhi could proceed under Section 18(4) of the MSMED Act.

4. South Delhi Municipal Corporation v. SMS Limited

The Supreme Court criticised legal professionals for drafting deliberately ambiguous arbitration clauses calling such cases a "criminal waste of judicial time". It urged courts to dismiss such disputes at the outset using suo motu powers. Despite India's progress in arbitration poorly drafted clauses remain a challenge. The judgment encourages stricter scrutiny of such malpractices to preserve judicial resources.

5. M/S. Interstate Construction v. National Projects Construction Corporation Ltd.

In a three-decade arbitration over a 1984 thermal power project contract, the Supreme Court ruled that tribunals can award different interest rates for different periods under Section 31(7) of the Arbitration and Conciliation Act, 1996. It overturned the Delhi High Court's finding that this was impermissible. The case affirms the tribunal's discretion in structuring interest awards through long-running contractual disputes.

Delhi High Court-

1. Anglo American Metallurgical Coal Pvt Ltd. v. MMTC Ltd.

Objections under Section 47 of the Civil Procedure Code are not permitted in the execution of arbitration awards under Section 36 of the Arbitration and Conciliation Act, 1996. Allowing such objections would reopen issues already limited under Section 34, contradicting the finality intended by the Act. CPC provisions apply only for enforcement mechanisms like attachment and auction, not for re-litigation of the award's merits.

2. Hindustan Construction Company Ltd v. Indian Strategic Petroleum Reserves Ltd.

The Delhi High Court held that at the stage of appointing an arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996, the court cannot assess whether a claim is barred by res judicata. Such issues must be determined by the arbitral tribunal while the referral court's inquiry is limited to whether an arbitration agreement exists and whether the petition is time-barred, not the merits or admissibility of claims.

3. Union of India v. M/S Gr-Gawa R(J.V)

A skeletal initial filing lacking essential documents made only to stop the limitation clock under Section 34(3) of the Arbitration and Conciliation Act, 1996, is invalid. A 146-page placeholder filing was found to be a formality compared to the later 6,677-page submission. The court found the initial filing lacked bona fide intent and had no legal existence.

4. M/S Rhine Power Pvt. Ltd. v. M/S Ramprastha Promoters and Developers Pvt. Ltd. & Ors.

Contempt courts can reverse benefits gained by violating interim orders under Section 9 of the Arbitration and Conciliation Act, 1996. Contempt jurisdiction includes the power to declare transactions void or direct reversal to prevent parties from profiting from disobedience. This upholds judicial authority and deters non-compliance.

5. Delhi Development Authority v. M/S Naraindas R Israni

The Delhi High Court upheld an arbitrator's use of international methods for damage calculation under Sections 55 and 73 of the Contract Act, 1872. The court found no patent illegality holding that determining delay and compensation is within the arbitrator's factual domain. A lack of detailed calculations did not invalidate the award as the reasoning was sufficiently explained and evidence was duly considered.

6. Rinkoo Aggarwal v. Gaurav Sabharwal & Anr

A Section 11(6) arbitration application cannot bypass the limitation period by arguing that the notice was improperly issued by an unauthorised counsel. Limitation is determined based on whether the petition falls within the 3-year window and courts need not assess evidentiary details. The court emphasised the importance of respecting statutory timelines and not undermining them via technical objections.

7. M.V. Omni Projects (India) Ltd. v. Union of India through Chief Engineers Northern Railways & Anr.

The Delhi High Court held that a no-objection to ineligible arbitrators under Section 12(5) must be given after the arbitral tribunal is constituted. Pre-appointment waivers are invalid. The waiver must reference specific arbitrators and be in writing. The court applied *Bharat Broadband v. United Telecom*, reaffirming that ineligible arbitrators can only be accepted via explicit post-appointment waivers.

8. Union of India v Ahluwalia Contracts (India) Ltd.

Damages for loss of profits cannot be awarded unless the delay in the execution of the contract prevented the contractor from pursuing other ventures. The 15% mark-up in the present case applied only to contract deviations and not to prolongation claims. Since the claim did not arise from deviation, the Arbitral Tribunal's rejection citing Schedule 'F' of the contract was found to be patently illegal. The clause used was inapplicable and the award was vitiated for wrongly relying on it.

9. Indraprastha gas Limited v. M/S Chintamani Food and Snacks

Disputes over the applicability of arbitration agreements should be decided by the arbitrator and not at the Section 11 (appointment of the arbitrator) stage. Although the agreement allowed the petitioner to choose an arbitrator from a panel, this mechanism was invalid. The Court thus appointed an independent sole arbitrator affirming the need for neutrality and fairness in arbitration appointments.

10. R. Santosh v. ONE97 Communications Ltd.

The Delhi High Court held that once the right to file a written statement is closed an application under Section 8 of the Arbitration and Conciliation Act, 1996 is no longer maintainable. The appellant failed to cross-examine the respondent's witness and did not dispute the documents. The unchallenged evidence stood proven and no credible defence was raised. The request for arbitration was therefore rejected.

11. ONGC Ltd. v. JSIW Infrastructure Pvt. Ltd.

Plain and unambiguous contract clauses cannot be interpreted using extraneous material like correspondence or negotiations. The Arbitral Tribunal erred by ignoring a clear contract clause and relying on negotiations which amounted to patent illegality. The ruling emphasised that disregarding an explicit clause or acting contrary to it violates the Arbitration and Conciliation Act, 1996.

12. Ballarpur Industries Limited v. SG Enterprises & Ors.

A managing director of one party cannot appoint a sole arbitrator due to a conflict of interest. Though the clause in the given contract provided for mutual consent, the fallback appointment by Respondent No. 1's director compromised impartiality. The Court emphasised that impartiality and independence are foundational to arbitration and cannot be waived through one-sided appointment clauses.

13. Union of India v. M/s Rajiv Aggarwal (Engineers and Contractors)

Administrative delays, such as counsel changes or file movements, do not justify condoning delay in filing an appeal under Section 37. Appeals under the Arbitration and Conciliation Act, 1996 are subject to strict limitation periods under the Limitation Act, 1963 and Commercial Courts Act, 2015. Delay beyond the prescribed time must be condoned only exceptionally, not routinely.

14. Lata Yadav v. Shivakriti Agro Pvt. LTD. & Ors.

The Delhi High Court ruled that provisional asset attachment or criminal investigations (CBI/ED) do not bar arbitration proceedings. Alleging fraud alone doesn't make a dispute non-arbitrable unless it affects the arbitration agreement's validity. Article 227 interference is allowed only in rare cases. The arbitrator can proceed with adjudication despite parallel criminal proceedings unless serious allegations undermine arbitration itself.

15. Din Dayal Agrawal Huf v. Capriso Finance Ltd.

If no application is made under Section 8 of the Arbitration and Conciliation Act, 1996, courts cannot dismiss a suit under Order VII Rule 11 Civil Procedure Code solely due to the existence of an arbitration clause. Dismissal is warranted only when all Section 8 conditions are met including timely invocation and applicability to all parties. The case emphasised the mandatory referral to arbitration when criteria are satisfied.

16. M/s Mahavir Prasad Gupta and Sons v. Govt of NCT of Delhi

The Delhi High Court held that unilateral appointment of an arbitrator violates Section 12(5) of the Arbitration and Conciliation Act, 1996 and is void. A party may still challenge the resulting award for lack of arbitrator impartiality, even if it made the appointment. No valid waiver exists without written post-appointment consent. The Court relied on Bharat Broadband, holding such ineligibility is de jure and invalidates the arbitrator's mandate.

17. M/S. Jaiprakash Hyundai Consortium v. M/S SJVN Limited

Dispute Review Board (DRB) recommendations are arbitral awards under the Arbitration and Conciliation Act, 1996 and enforceable as decrees under Section 36. The limitation for enforcement runs from the award's date not the judgment confirming its status. The court relied on precedent that DRB decisions below Rs. 5 crores cannot be challenged via suit and must be contested under Section 34 alone.

18. Hindustan Hydraulics Pvt. LTD v. Union of India

The Delhi High Court rejected a challenge to an arbitral award based on minor errors. The respondent did not outright reject the machine despite a known design deviation and expected rectification. The court emphasised that inconsequential errors cannot invalidate a well-reasoned and judicious award. The petitioner could not benefit from its own design lapses and the respondent's good faith engagement during trials.

Bombay High Court-

1. Ashoka Buildcon Ltd v. Maha Active Engineers India Pvt. Ltd. & Anr

The Bombay High Court held that applications under Section 9 of the Arbitration and Conciliation Act, 1996 must be made with reasonable promptness. A delay of several years without a good cause undermines the right to interim relief. Relief under Section 9 of the Arbitration and Conciliation Act, 1996 is discretionary and requires a prima facie case, irreparable harm, and balance of convenience. Appellate courts can only interfere if discretion is exercised improperly.

2. Union of India through the General Manager Railway v. PLR HC RBR JV

Contractors cannot be denied payment for extra work beyond the original contract if such work was accepted, measured, and performed with the employer's consent. The Railways supervised the work and accepted bills without formal amendment. The tribunal rightly found that the Railways' conduct indicated acceptance and denying payment would amount to unjust enrichment. The Tribunal's findings were upheld as reasonable and well-supported.

3. BCCI v. Kochi Cricket Private Limited and Anr.

The Bombay High Court upheld an arbitral award of Rs. 538.9 crore to Kochi Cricket Private Limited finding that BCCI had wrongfully invoked a bank guarantee, breaching the franchise agreement. The court emphasised that it cannot act as a court of first appeal to reappreciate evidence or entertain alternate contract interpretations. The arbitrator properly evaluated facts, documents, and testimonies to reach a well-reasoned conclusion.

IIAC ODR Platform

IIAC software for empanelment of arbitrators and for conduct of arbitration proceedings:

IIAC Software for empanelment of Arbitrators on the IIAC Panel of Arbitrators (Domestic and International Arbitration) as per India International Arbitration Centre (Criteria for Admission to the panel of arbitrators) Regulations, 2023: IIAC developed a software application having a dashboard for the Chamber of Arbitration to scrutinize the applications (including consideration of eminent persons having specialized knowledge and substantial relevant experience in the field of arbitration, identified by IIAC, for empanelment in the category of Eminent Persons) for admission to the IIAC panel of arbitrators (Domestic and/or International). The Software was made live in the month of May, 2023.

IIAC Software for conduct of Arbitration Proceedings as per India International Arbitration Centre (Conduct of Arbitration) Regulations 2023:

IIAC developed a Software for conduct of Arbitration Proceedings as per India International Arbitration Centre (Conduct of Arbitration) Regulations 2023 for the smooth and efficient working of the conduct of Arbitration Proceedings through online mode. The Portal has been created for the Parties to file the Request to Arbitration as per Regulation 4 of India International Arbitration Centre (Conduct of Arbitration) Regulations, 2023 which came into effect in September 2023.

It is stated that the Software offers virtual arbitration/online dispute resolution (ODR) platform and allows following to be done online, among others:

- Request for Arbitration.
- Response to the Request for Arbitration.
- Application for appointment of Emergency Arbitrator.
- Application for Fast Track Procedure.
- Application for Substitution of Arbitrator.
- Application for Challenge of Arbitrator.
- Application for Interim Measures by the Arbitral Tribunal.
- Any other application.
- Submit pleadings and documents electronically.
- Pay the Filing Fees online.
- Access filings made online, including payment history.

IIAC ODR Platform

Development of “Plug and Play” Software for conduct of micro and small enterprises arbitrations:

In January 2024, IIAC started development of a “Plug and Play” Software (with some modifications and customisation and its allied services) so as to facilitate the conduct and administration of micro and small enterprises arbitration taking into account the India International Arbitration Centre (Conduct of Micro and Small Enterprises Arbitration) Regulations 2024.

Reader Feedback

SCAN ME



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