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The Critical Analysis of Enforcement of Foreign Arbitral Awards: A Legal Study

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ABSTRACT

Effective enforcement of an arbitration award is the prime indicator for the success of any arbitral process. In India, Part II of the Indian Arbitration and Conciliation Act of 1996 provides the law governing the enforcement of foreign awards in India. The said Act was enacted by the government of India in the year 1996 to bring the Indian Arbitration Act in line with the UNCITRAL model law on arbitration. This research paper aims to briefly describe the final settled position of law relating to the enforcement of foreign arbitration awards in India.

A jurisdiction's credibility as an arbitration-friendly nation primarily relies on the efficiency and efficacy of its award enforcement regime. This article examines the award enforcement regime in India, and therefore, all the awards that are made in countries that are not notified by the central government of India cannot be considered as foreign arbitral awards that are falling within the definition provided under the act. The act defines foreign awards as awards that are made on differences between parties to a well-defined legal relationship that is considered to be commercial in nature under Indian law. It may be noted that part II of the Arbitration Act provides only for the process of enforcement of foreign arbitral awards and does not stipulate any process for the setting aside of the foreign award or the passing of any interim measure in respect of foreign award. This paper will further try to highlight the judicial consistency in the enforcement of the foreign arbitral award with the help of leading case laws. This paper will provide suggestions that should be implemented in the legislature for better enforcement of foreign awards.

Keywords: *Enforcement; International Commercial Arbitration Award; Arbitration and Conciliation Act, 1996.*

I. INTRODUCTION

(A) Background

The effectiveness of any arbitral process is determined by the effective execution of an arbitration award. Part II of the Indian Arbitration and Conciliation Act of 1996 specifies the

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guidelines for enforcing international awards in India. The Government of India passed the said Act in 1996 to align the Indian Arbitration Act with the UNCITRAL MODEL LAW on Arbitration. The object of this research paper is to provide a brief description of the law on the implementation of international arbitration awards in India.

The consistency and effectiveness of a jurisdiction's reward compliance system are what determines its reputation as an arbitration-friendly jurisdiction. This paper highlights India's award compliance regime, as well as all awards rendered in countries that are not informed by India's central government. Cannot be called international arbitral awards for the purposes of the act's definition. International awards are specified in the Act as payments made based on disagreements between parties to a well-defined legal arrangement that is deemed commercial in nature under Indian law. It is important to note that Part II of the Arbitration Act only includes the procedure of enforcing international arbitral awards; it does not include the process of setting aside foreign awards or enforcing transitional remedies in the case of foreign awards.

(B) Research Problem

Parties are ready and willing to enter arbitration award for its speedy resolution of the dispute as compared to the traditional method. However, if the arbitration awards are not enforced in the country, then the whole exercise of arbitration becomes futile. Without the proper and timely enforcement of the foreign arbitration award, the parties will prefer approaching traditional courts to resolve their disputes. The enforcement of arbitration depends upon the legislature and the courts that interpret the legislature. There have been many instances in which the duly enforcement of foreign arbitration awards is not carried out. Thus, this paper would research this problem.

(C) Existing Legal Situation

The existing legal situation for the enforcement of foreign arbitration is governed under the various laws:

- “The Arbitration and Conciliation Act of 1996”
- “UNCITRAL Model Law on International Commercial Arbitration of 1985”
- “The Code of Civil Procedure of 1908”
- “The Foreign Awards (Recognition and Enforcement) Act of 1961”
- “The Arbitration (Protocol and Convention) Act, 1937”

(D) Literature Review

- **Shroff, Adi B. “ENFORCEMENT IN INDIA OF FOREIGN COMMERCIAL AWARDS.”³**

The Author in this Article has covered a broad spectrum of topics regarding the enforcement of foreign awards - a field of law that has greatly increased in importance due to the recent influx of accession to the New York Convention of 1958 by the major commercial countries of the world.

- **Ganguli, A. K. “EMERGING TREND IN THE ENFORCEMENT OF ARBITRATION AWARDS.”⁴**

The Author in this Article has first discussed The important questions which ought to have been addressed then and which must be addressed now is, whether it will be more advantageous to have two sets of arbitration laws, one dealing with the domestic and the other dealing with international commercial arbitration, and whether by doing so India will gain some advantage, or is it more advantageous to retain the existing legislative framework and merely to update the law in the light of the experiences gained.

- **Hunter, J. Martin, and Ranamit Banerjee. “Bhatia, BALCO and Beyond: One Step Forward, Two Steps Back?”⁵**

Given the Supreme Court's recent decision in the BALCO case, this article examines the evolution of international commercial arbitration in India. It begins by detailing the Sec.s of the Indian Arbitration and Conciliation Act 1996 that are applicable, as well as relevant principles. It then moves on to look at the pivotal Bhatia decision and its consequences. Following that, the essay objectively discusses the BALCO decision and concludes whether or not it makes India more "foreign arbitration-friendly."

- **Venkatramiah K., “Enforcement of Foreign Arbitral Awards in India” Law of International Trade Transactions”⁶**

India by enacting the “Arbitration (Protocol and Convention) Act, 1937”, and the “Foreign Awards (Recognition and Enforcement) Act, 1958”, India has given effect to the international arbitral rules relating to the recognition and enforcement of arbitral awards from 1923, the

³ Journal of the Indian Law Institute, vol. 21, no. 1, 1979, pp. 31–44. JSTOR, www.jstor.org/stable/43950619. Accessed 21 Feb. 2021.

⁴ Journal of the Indian Law Institute, vol. 50, no. 1, 2008, pp. 51–66. JSTOR, www.jstor.org/stable/43952132. Accessed 21 Feb. 2021.

⁵ National Law School of India Review, vol. 24, no. 2, 2013, pp. 1–9. JSTOR, www.jstor.org/stable/44283758. Accessed 21 Feb. 2021.

⁶ Venkatramiah K., “Enforcement of Foreign Arbitral Awards in India” Law of International Trade Transactions”

Geneva Convention on the Execution of Foreign Arbitral Awards from 1927, and the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards from 1958.

(E) Scope and Objectives

The scope of this paper is limited to the laws relating to the enforcement of international commercial arbitration in India.

Following are the Objectives of this Paper:

- Critically analyze the issues and challenges in the enforcement of Foreign Arbitral Awards.
- To analyze the judicial consistency in enforcement of international arbitration awards with help of various case laws.
- To provide probable suggestions which can be implemented in the procedural aspects to provide better enforcement of international commercial arbitration.

(F) Research Questions

- What are the issues and challenges in the enforcement of international commercial arbitration awards?
- What are the suggestions concerning the procedural aspects for better enforcement of international commercial arbitration awards in India?

(G) Hypothesis

The following are the hypothesis that has been tentatively framed and required to be tested for the present study:

- That judicial consistency will help in better enforcement of international commercial arbitration awards.
- Addressing the challenges in the enforcement of international commercial arbitration awards will help in better enforcement of international commercial arbitration awards.

(H) Research Methodology

This Paper is based on doctrinal research methods. Reliance is placed on resources such as books, cases, print and electronic media, books, journals, articles, and reports of various authorities. Primary sources include national legislation and statutes. Secondary sources such as books, journals, scholarly articles, and reports are used to critically analyze the foreign arbitral awards in India.

II. ENFORCEMENT OF FOREIGN ARBITRAL AWARDS IN INDIA

(A) What is an Arbitral Award?

An arbitration award or an arbitral is a decision which is reached by an arbitration tribunal during the arbitration proceeding. A decision made in a court of law is equal to an arbitral award.

If all the claims of the claimants are rejected and none of the party is required to pay any amount then an arbitral award may be non-monetary. Examples of an arbitral award include injunctive relief, clear performance of a contract, rectification, cancellation of a deed, payment of money, declaration on a matter that is to be decided in the arbitration proceeding, setting aside a deed.

An arbitral award has been described under Sec. 2(1)(c) of the Arbitration and Conciliation Act as one that includes an interim award. In simple terms an arbitral award is like a decree or order of a Court of law and the decision is based on the merits of the case.⁷

(B) Enforcement of Arbitral Award in India

The execution of the arbitral awards are governed by the provisions of the Civil Procedure Code and the Arbitration and Conciliation Act of 1996. An award holder must wait for three months after obtaining a favourable verdict before applying for the compliance of the arbitral award. Under Sec. 34 of the Arbitration and Conciliation Act, the other party must contest the award within these three months. After these three months have expired the award can be submitted for its execution in the proper court. After this there is no further provision to make an appeal for the award if the award is imposed at the execution point by the court.

To enact a decree Order XXI of CPC and Sec. 36-74 of the Arbitration and Conciliation Act, 1996 may be used. The limitation period for the enforcement of such awards is twelve years. Earlier prior to the 2015 Amendment of the Arbitration Act, filing an objection under Sec. 34 would place a stay automatically on the order that is challenged. But after the 2015 amendment the filing of a separate application to stay the order has become necessary. The objection made under Sec. 34 will not be sufficient in order to stay the injunction.⁸

(C) What is Foreign Arbitral Award and its enforcement in India?

Sec. 44 of the Arbitration and Conciliation Act, 1996 defines the foreign award as an arbitral award on differences that are related to the matters which are deemed commercial under the

⁷ US legal, 'USLEGAL' (Arbitral Award Law and Legal Definition, 8 June) <<https://definitions.uslegal.com/a/arbitral-award/>> accessed 15 March 2021.

⁸ Arun Sharma, 'IPleaders' (Challenges of Executing Foreign Arbitration Awards in India, 11 August) <<https://blog.ipleaders.in/arbitration-award/>> accessed 14 March 2021.

Indian law. For an award to be a foreign award there are two requirements that should be met. Firstly it should resolve the discrepancies which result from a commercial legal relationship or a relationship which is considered commercial under the Indian law. Secondly, the country that is issuing the award must be a country which has been designated by the Indian government as a country in which the New York Convention is made applicable. Only such awards that are given by these countries are implemented and are known as international awards. Sec. 2 of the Act governs the execution of these awards.

A three-step method is followed for the compliance of a foreign award. The party in whose favour the award is made along with all the supporting documents will apply under Sec. 47 of the Arbitration and Conciliation Act. The party to whom the award is made must raise a defence under Sec. 48 of the Act with all the facts. Finally, the court will enforce the award under Sec. 49 if the court is convinced that the award is enforceable based on all the facts provided by the parties. A foreign award can be set aside by an Indian court under Sec. 34 of the Act, according to the Supreme Court in *Venture Global Engineering vs Satyam Computer Services Ltd and Anr.*⁹ If the subject matter of the foreign award is money then the Commercial Division of the High Court will have the jurisdiction in whose jurisdiction the properties of the opposing party is located. If the award's subject matter is not otherwise, the Commercial Division of the High Court that would have jurisdiction if the award were the subject of a suit would have jurisdiction.

(D) The Vedanta Judgement

The Vedanta judgment has been appraised by the legal jurist around the world as the right step taken by the Supreme Court for the enforcement of foreign awards. Before the verdict in the *Government of India Vs. Vedanta Ltd*,¹⁰ it was widely considered that the Supreme Court had taken a regressive view in the enforcement of the foreign award in the case of *NAFED Vs. Alimenta S.A.*¹¹ and *Venture Global Eng. LLC Vs. Tech Mahindra*¹².

The issue arose from a product sharing agreement entered between Government and Cairn India Ltd (Later it was obtained by Vedanta) to separate gas and oil from the field. There was a dispute regarding cost and the government retrieved \$499 Million from Vedanta. The dispute soon moved into international arbitration by the Malaysian Tribunal, the tribunal ruled in favor of Vedanta in 2011, there were many grounds of appeal and the issue of enforcement came

⁹ Arising out of SLP (Civil) No.9238 of 2010

¹⁰ 2020 SCC ONLINE SC 749

¹¹ Arising out of CA No. 667 of 2012

¹² 2017 SCC Online SC 1272

before the Delhi HC in 2018 and lastly in SC. The SC upheld that foreign award on the ground that the government has failed to establish that the enforcement of the award would be against the public policy of the country. The SC had categorically mentioned that the courts should be reluctant in not enforcing the arbitration award and should try to reduce the intervention of the judiciary.

Also, the SC held that Article 136 of the Limitation Act would not be considered as pertinent for the enforcement of the international arbitration award since it is a declaration of the common court and it would be governed under Article 137, thus the time for the enforcement of the award would be three years from when the option to apply gathers. Therefore, the SC in the Vedanta Judgement has taken a step for smooth enforcement of the foreign award by reducing the gaps in the existing legislative framework and adopting a pro-enforcement bias approach.

III. ISSUES AND CHALLENGES IN ENFORCEMENT OF FOREIGN ARBITRAL AWARDS IN INDIA

The Indian courts refuse to enforce the foreign award on adequate proof of any of the grounds that have been mentioned under Sec. 48(1) of the Act by the party opposing the enforcement of the award.

The words "set aside or suspended" mentioned under Sec. 48(1)(e) cannot be interpreted to mean that the international award sought to be imposed in India may be challenged on the merits in Indian courts. As a result, the Act does not grant Indian courts the power to reverse an international commercial award made outside of India.

Sec. 34 of Part I Act, 1996 grants the authority to revoke an award. That provision only applies to awards made in India or awards made within the country.

The Indian courts' right to set aside an award in international commercial arbitration is limited to those who are based in India. As a result, Indian courts lack the authority to hear an appeal to a foreign award on its merits.¹³

(A) Setting aside a foreign arbitral award on a Litigation basis

Under Sec. 48 of the Act, an international arbitration award may be challenged. It specifies the grounds for challenging a foreign arbitral award. The grounds are as follows-

¹³ Jayanth Balakrishna, 'NJA – Session 4' (Enforcement of Foreign Arbitral Awards: Issues and Challenges, 15th December) <http://www.nja.nic.in/Concluded_Programmes/2018-19/P-1145_PPTs/3.Enforcement%20of%20Foreign%20Arbitral%20Awards%20Issues%20and%20Challenges.pdf> accessed 15 March 2021.

1. One of the parties is under some incapacity.

If either or both of the parties participating in the arbitral proceedings are incompetent under the applicable law then the award cannot be upheld.. Involuntary incapacity, undue control, deception, duress, or misrepresentation are examples of incapacity.

2. The Arbitral Award is beyond the scope of Arbitration.

The terms of reference limit the jurisdiction of an Arbitration Tribunal. No court is supposed to defy these restrictions. They are only expected to make decisions on the questions that have been submitted, and they are not allowed to go beyond that. An award that goes outside the limits of arbitration is likely to be overturned by the courts. It is to be noted that if it is possible to differentiate between awards made within the scope of the arbitration's terms and the ones made by going outside those scope limits, then the former should be enforced.

3. The legality of the Composition or Procedure of the Arbitration Tribunal

An award may be quashed if the tribunal was not formed following the parties' agreement, or the tribunal was not formed in accordance with the parties' agreement.

ii) The process adopted during the arbitration proceedings was not in line with the agreement between the parties.

iii) If the arbitration's composition or process is not in compliance with the law of the country where the arbitration was held.

4. Notice was not given to either party.

It would be a breach of natural justice if none of the party obtained notice of the arbitrator's appointment or the arbitral proceedings. These awards have to be set aside. However, if a party has willingly chosen to sit out of the arbitral proceedings then those awards will be upheld as the party did so of their own free will. Only such awards can be contested if one of the party members was left out because of the circumstances that are outside their control.

5. Public Policy

In India, an award given in breach of the country's public policy shall be unenforceable. Awards made in breach of public policy may be a shield against its compliance. The Indian courts are obliged to deny execution of an award which is contrary to the Indian public policy.

In *Renusagar Power Co. Ltd vs General Electric Co*¹⁴, the Supreme Court resolved the question as to what constitutes a violation of Indian public policy, holding that the bar of public

¹⁴ 1994 AIR 860, 1994 SCC Supl. (1) 644

policy would be drawn only when there is a violation of anything other than Indian laws.

6. Setting aside the award before its enforcement

If an award is set aside or revoked by the authorities of the country in whose jurisdiction it was given until it becomes binding on the parties, it would not be enforceable in Indian courts because the Courts of the country that issued the award have exclusive jurisdiction to set aside the award.

7. The dispute cannot be resolved under arbitration.

If the existence of a conflict prohibits it from being resolved by arbitration, either because the subject matter is incompatible with the laws currently in force in various countries, or because the subject matter is incompatible with the laws currently in force in India. The court would fail to enforce the award in this situation.

(B) Inconsistent application of the law

A Global Arbitral Award can be imposed in any jurisdiction where the opposing party's properties are held. It is impossible to rule out the possibility that courts in various jurisdictions would view the same award differently. Even if an award is given by an Arbitration in India, it may not be enforceable in another country's jurisdiction.

(C) Local Government Pressure

In arbitration, a local party would have more political influence than a foreign party. They will attempt to use this power to get the award revoked or, at the very least, the amount reduced. This may trigger an International Arbitration Seat's award to be reversed. This is due to a lack of jurisdiction to oversee the substantive and procedural reviews of these awards' compliance.

IV. RECOMMENDATIONS AND SUGGESTIONS FOR BETTER ENFORCEMENT OF FOREIGN ARBITRAL AWARDS

We must open ourselves to the outside world and implement best practices for building world-class legal and institutional procedures to establish India as a global hub for international arbitration. Measures are needed on several fronts, which are discussed below.¹⁵

(A) Need for restructuring the Arbitral Institutions

1. Setup of the institution

¹⁵ Suparna Jain, Bibek debroy, 'Niti Government' (Strengthening Arbitration and its Enforcement in India – Resolve in India, 31st December) <http://niti.gov.in/writereaddata/files/document_publication/Arbitration.pdf> accessed 16 March 2021.

One of the most serious challenges is the establishment of international arbitration institutions with hearing centers in India's expanded jurisdiction. The question is if national arbitration should be governed by a single center or whether multiple centers should be established across cities. China, for example, has 230 arbitral institutions, whereas Singapore only has one. If having centers all over the country is desired, the cities were chosen, and the criteria used to pick them to become crucial. It has been suggested that India should create a single central arbitral institution with regional offices in major commercial cities such as Mumbai and Delhi, Bangalore, Hyderabad, etc.

2. Upgrading the infrastructure of the institution

The next important concern is to create an eco-system that is stable and vibrant for the international arbitral institution. Institutions must be reliable, autonomous, effective, and transparent in and of themselves, which is difficult in India due to its diversity. Aside from physical and technical facilities, the institution's leadership should be vibrant and assisted by well-trained support staff for qualitative arbitration and library. Technology such as e-filing, building case databases, big data analytics, Online Dispute Resolution, and video conferencing must be scaled up and used extensively in the arbitration process.

3. Creating a Dedicated Bar

Institutionalizing arbitration will also entail the creation of a dedicated bar composed of experts capable of administering arbitration in compliance with the institutions' rules and offering qualified, viable services. The dedicated arbitration bar's rules would help it stick to deadlines and avoid resembling court proceedings. The body of trained arbitrators will also assist in the strengthening and institutionalization of arbitral institutions. The International Bar Association Arbitration Committee (the IBA Committee), for example, focuses on the rules, practices, and procedures related to transnational conflict arbitration.

4. Scaling the human capital

Without a pool of competent arbitrators who are capable, conflict-free, and above all, non-partisan, building physical infrastructure would be inadequate. The arbitrators should be knowledgeable, technically proficient, and experts in their profession. As a result, arbitrators who act as a party's lawyer on a tribunal should be discouraged, and their partial opinions should be dismissed.

5. Generation of awareness

Strengthening arbitration in the country will have to go hand in hand with encouraging

arbitration as a conflict settlement method. This will involve stopping private players from rushing to the courts without first exhausting the applicable arbitration clauses in the deal, causing the work to be stalled.

6. Institutionalizing Arbitration

In India, arbitrations are currently not conducted formally. As per the Law Commissions of India's 246th Report, the typical style in which the arbitration devolve into like that of a court hearing is considered to be Ad Hoc arbitration with the result that adjournments are issued regularly, and lawyers tend to appear in court instead of the arbitration proceedings. As a result, it is suggested that India facilitate institutional arbitration, in which the arbitral mechanism is aided and administered by a professional institution with a permanent character. Such agencies can also appoint qualified arbitrators to determine the amount to be paid and the manner in which documents must be submitted. This would imply a sense of autonomy (i.e., independence from government control) among end-users, as well as income sources to support their autonomy.

(B) Requirement of judicial assistance

Interference by courts has been established as one of the major causes of arbitration delays in India. the award given in the case of *White Industries vs. the Republic of India*¹⁶ in 2011 can be considered as a leading csaelaw. In this case, an Australian corporation successfully sought compensation from the Indian government for judicial delays, which was equal to the value of the award. The above award raises two issues: the first is the judicial intervention, and the second is arbitration delays. In terms of judicial intervention, it is generally argued and accepted that the judiciary should restrict its participation in the arbitration, as is the case in several other jurisdictions. For example, in China, only the Supreme Court has the power to participate in arbitration proceedings. This aids in the reduction and limitation of obstacles in arbitral awards. Lack of continuity in Indian judicial judgments on arbitration and decisions rendered by arbitral authorities has also been described as a source of concern. Because of India's federal system of States and Central ties, and each State has its own Judiciary, the perspectives of individual Courts on objections filed under Section 34 of the Arbitration and Conciliation Act differ depending on local requirements. This necessitates action on the part of judicial academies, which should be asked to provide instruction to judges on how to deal with cases challenging and attempting to set aside arbitral awards, as well as ensuring that judges holding such courts are not regularly moved.

¹⁶ Final award, IIC 529 (2011), 30th November 2011, Arbitration

(C) To make as the preferred seat in International Arbitration

To make India the global center of international arbitration, it is important to ensure that arbitration in India takes less time and costs less money than arbitration anywhere else on the globe. The government will have to put in place an enabling structure for formal arbitration, which would include arbitration events, training, and conferences. Institutions must also commit to giving the agreement to arbitrate precedence. This requires not only the right to administer arbitration but also the right to enforce the arbitral award without intervention, except in cases of public interest.

(D) Concerns regarding the legislation

Legislative amendments to this can be attempted only after a fair amount of time has passed if it is considered that 12 months is too short. In the meantime, organizations can take over the administration of the arbitration proceedings' time limits and case management, as well as develop techniques to monitor the arbitration proceedings, making the whole procedure more transparent. The number of witnesses, the number and severity of issues involved, the amount of record, the stakes involved, and the number of arbitrators should all be weighed when assessing the time limit.

V. CONCLUSION

The due enforcement of the international arbitration award is crucial for the success of the arbitration process. Without due enforcement, the parties will prefer traditional litigation as the timely enforcement of the award would not be guaranteed. Time is the essence of the contract and timely enforcement of the arbitration award is the essence of the arbitration proceedings. The significance of the effective and timely enforcement of the international arbitration award has been felt by the judiciary and the judiciary has slowly been adopting a pro-arbitration approach and is enforcing the international award where there is no conflict of law. The Apex court in the case of Vedanta has again emphasized the need to adapt to the pro-arbitration approach and reduce the interference of the judiciary for effective enforcement.

There are many issues and challenges in the enforcement of the arbitration award, some of them have been discussed in this paper like the setting aside the enforcement of the award by using litigation, the act mentions several grounds on which the arbitration award can be set aside like the incapacity of the party, the scope of the arbitration award is beyond the arbitration agreement, the arbitration award is against the public policy, and many more. These grounds give the opportunity to a party when the arbitration award violates any of these grounds, but the parties are simply using this shield as a sword to deter the enforcement of the awards. This

paper also tries to give probable recommendations and suggestions for the better enforcement of the arbitration award. Some of the recommendations and suggestions are the need to restructure the arbitration institution, the requirement of judicial assistance, and many more. Implementing these recommendations and suggestions might help in better enforcement of international arbitration awards and India can be considered as a pro-arbitration country.

VI. BIBLIOGRAPHY

Primary Sources

- **Statutes**

1. Arbitration and Conciliation Act of 1996
2. Civil Procedure Code, 1908
3. UNCITRAL Model Law on International Commercial Arbitration of 1985
4. The Foreign Awards (Recognition and Enforcement) Act of 1961
5. The Arbitration (Protocol and Convention) Act, 1937

- **Case Laws**

1. Venture Global Engineering vs Satyam Computer Services Ltd and Anr., SLP (Civil) No.9238 of 2010
2. Renusagar Power Co. Ltd vs General Electric Co., 1994 AIR 860, 1994 SCC Supl. (1) 644
3. White Industries vs. the Republic of India, Final award, IIC 529 (2011), 30th November 2011, Arbitration
4. Government of India Vs. Vedanta Ltd; 2020 SCC ONLINE SC 749
5. NAFED Vs. Alimenta S.A.; Arising out of CA No. 667 of 2012
6. Venture Global Eng. LLC Vs. Tech Mahindra; 2017 SCC Online SC 1272

Secondary Sources

- **Articles**

1. Suparna Jain, Bibek debroy, 'Niti Government' (Strengthening Arbitration and its Enforcement in India – Resolve in India, 31st December) <http://niti.gov.in/writereaddata/files/document_publication/Arbitration.pdf> accessed 16 March 2021.
2. Journal of the Indian Law Institute, vol. 21, no. 1, 1979, pp. 31–44. JSTOR, www.jstor.org/stable/43950619. Accessed 21 Feb. 2021
3. National Law School of India Review, vol. 24, no. 2, 2013, pp. 1–9. JSTOR, www.jstor.org/stable/44283758. Accessed 21 Feb. 2021.
4. Journal of the Indian Law Institute, vol. 50, no. 1, 2008, pp. 51–66. JSTOR,

www.jstor.org/stable/43952132. Accessed 21 Feb. 2021.

Webliography

1. US legal, 'USLEGAL' (Arbitral Award Law and Legal Definition, 8 June) <<https://definitions.uslegal.com/a/arbitral-award/>> accessed 15 March 2021.
2. Arun Sharma, 'IPleaders' (Challenges of Executing Foreign Arbitration Awards in India, 11 August) <<https://blog.ipleaders.in/arbitration-award/>> accessed 14 March 2021.
3. Jayanth Balakrishna, 'NJA – Session 4' (Enforcement of Foreign Arbitral Awards: Issues and Challenges, 15th December) <http://www.nja.nic.in/Concluded_Programmes/2018-19/P-1145_PPTs/3.Enforcement%20of%20Foreign%20Arbitral%20Awards%20Issues%20and%20Challenges.pdf> accessed 15 March 2021.
