



DELHI ARBITRATION CENTRE

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Introduced 28 July 2026

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**DELHI
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July 2026 was quiet in the Supreme Court and busy everywhere else: Parliament took up the most important MSME reform in two decades, Singapore's institution opened in Delhi, UNCITRAL finished a decade of ISDS work, and the ICC published its 2025 numbers.



The institutions arrive

On a month of institutional news

The Delhi Arbitration Centre administers arbitration, conciliation and mediation under its own Rules and on references by courts, Micro and Small Enterprises Facilitation Councils and other authorities. This monthly is part of the Centre's commitment to a better-informed arbitration community.

Three events this month tell a single story about where Indian arbitration is going. On 25 July the Singapore International Arbitration Centre opened a liaison office in New Delhi, its third in India, in the presence of the Chief Justice of India, Singapore's Law Minister and the Attorney General. On 28 July the Government introduced in the Rajya Sabha a Bill to amend the Micro, Small and Medium Enterprises Development Act that puts statutory timelines on every stage of a Facilitation Council reference and provides for online dispute resolution. And on 14 July the Supreme Court held, in *Manash Kamal Bezboruah*, that a party which loses a jurisdictional objection before an arbitral tribunal must wait for the award and challenge it under Section 34, and cannot run to the High Court under Article 227 except where the tribunal patently lacks inherent jurisdiction.

Each of these is about institutions rather than individuals. A foreign institution finds it worthwhile to sit in Delhi because Indian parties are its largest foreign users. Parliament trusts Facilitation Councils and the institutions they refer disputes to with fixed clocks. And the Court trusts tribunals to decide their own jurisdiction first, subject to review at the end rather than interruption in the middle. For a centre such as ours, which receives a large share of its work from Facilitation Councils, the Bill matters most. If it passes in the form introduced, mediation before the Council must end within ninety days, the reference to arbitration must follow within thirty, and the award must be made within ninety days of the pleadings closing. We welcome these timelines and are preparing our procedures to meet them.

This issue also carries the English Court of Appeal's decision that India's ratification of the New York Convention is not a waiver of state immunity, the ICC's 2025 statistics, and UNCITRAL's adoption of the statute of an Advisory Centre for investment disputes. Students who want to understand how the international system is changing will find the July round-up unusually full.

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Delhi Arbitration Centre
1 August 2026

Lost your Section 16 objection? Wait for the award

In *Manash Kamal Bezboruah v. Bokahola Tea Company*, decided on 14 July 2026, the Supreme Court set aside a High Court's intervention under Article 227 against an arbitral tribunal's refusal to delete three non-signatory companies from the array of parties. The remedy against rejection of a Section 16 plea, it held, "strictly lies under Section 34 of the Act after the pronouncement of the final award".

By the Editorial Desk · July 2026



The dispute was a family one, over a tea business run through a partnership. After Section 8 applications failed in the courts below, the Supreme Court itself had referred the parties to arbitration by consent. Before the tribunal, three companies that had not signed the partnership deed applied to be deleted from the array of parties. The tribunal treated the application as a Section 16 objection and rejected it, saying that whether the companies were "veritable parties" would be decided in the arbitration. The companies then moved the Gauhati High Court under Article 227, which stayed the tribunal's notices and held the petition maintainable.

A bench of Justices K.V. Viswanathan and Vijay Bishnoi set the High Court's orders aside. The 1996 Act, the Court repeated, is a self-contained code. Article 227 may be invoked against an interlocutory order of an arbitral tribunal only in exceptional cases of patent lack of inherent jurisdiction, or perversity that "stares one in the face"; High Courts must act with "extreme circumspection". Section 16(5) and (6)

"The remedy against the rejection of a Section 16 of the Act application strictly lies under Section 34 of the Act after the pronouncement of the final award."

SUPREME COURT, MANASH KAMAL BEZBORUAH V. BOKAHOLA TEA CO., 14 JULY 2026 (2026 INSC 701)

prescribe the route: where the tribunal rejects a plea to its jurisdiction it continues with the proceedings and makes an award, and the aggrieved party may challenge that award under Section 34. Applying *Cox & Kings*, the Court held that the tribunal has “absolute competence” to decide whether non-signatories are veritable parties; the referral court decides only, *prima facie*, whether an arbitration agreement exists.

The judgment completes a line the Court has drawn steadily this year. In *MCM Worldwide* (21 April) it held that a Section 16 rejection is not an interim award and cannot be challenged under Section 34 before the final award. In *Tarini Prasad Mohanty* (27 May) it held that a High Court should not entertain a writ against a Section 16 order rejecting a stamping objection. Now *Bezboruah* adds non-signatory objections to the list and says, in terms, that the writ route is confined to the tribunal’s patent lack of inherent jurisdiction. The Bombay High Court applied the new line within a fortnight: in *I.A. & I.C. v. Atul & Arkade Realty* (27 July) it dismissed a Section 34 petition against a Section 16 ruling as not maintainable.

The decision has attracted criticism as well as approval. A LiveLaw analysis argued that the effect is to make a non-signatory participate in a full arbitration it may never have agreed to, with its only remedy at the end; the Court’s answer, implicit in its reasoning, is that the non-signatory should have taken the point at the referral stage, and that the Article 227 petition here “resulted in another round of litigation, which could have been avoided”. Whichever view one takes, the rule is now clear, and it is the same rule the Court applied to legal representatives in *V.K. John* (April): the Act assigns each remedy a place, and Article 227 is not a general appellate jurisdiction over arbitral tribunals.

Two other Supreme Court decisions of the month are practical rather than doctrinal. In *Sliksync Technologies v. Pidge Technologies* (27 July) the Court declined to interfere with the Delhi High Court’s view that where an agreement names no seat, an exclusive-jurisdiction clause in favour of the courts at New Delhi “must be construed as indicative of the seat of arbitration”. An order dismissing a special leave petition lays down no law, but it leaves a useful line for drafters. And in *Nasr Ullah Khan v. One97 Communications* (22 July) the Court declined to interfere with a finding that a claim for reimbursement of tax lost through a counterparty’s failure to remit GST is a contractual, and therefore arbitrable, claim; the “tax is non-arbitrable” objection does not work merely because GST is the subject.

Two further judgments, though under the Commercial Courts Act, touch every arbitration lawyer who appears in a Commercial Court. In *A.K. Ghosh & Co. v. Biman Bose* (14 July) the Court held that the 120-day outer limit for a written statement applies equally to a plaintiff’s reply to a counter-claim, runs automatically, and is forfeited on expiry; and that an order under Order VIII is not appealable under Section 13(1A), which is confined to Order XLIII orders and Section 37 of the Arbitration Act. In *Levitate Mobile Technologies v. Standard Chartered Bank* (9 July) it upheld the rejection of additional documents filed five years late: “evidence, however voluminous, cannot water down the statutory intent and rigours of the statute”.

WHAT TO TAKE AWAY

- A Section 16 rejection, including on the status of non-signatories, is reviewable only under Section 34 after the final award.
- Article 227 lies against a tribunal only for patent lack of inherent jurisdiction or perversity that stares one in the face; High Courts must act with extreme circumspection.
- The tribunal, not the referral court, decides in full whether a non-signatory is a veritable party (*Cox & Kings*).
- Take non-signatory objections at the referral or Section 11 stage; once referred, preserve the point for Section 34.

APPLIED WITHIN A FORTNIGHT

In *I.A. & I.C. v. Atul & Arkade Realty* (27 July 2026) the Bombay High Court dismissed a Section 34 petition against a tribunal’s Section 16 ruling as not maintainable, holding that a decision on jurisdiction is not an interim award and that the aggrieved party must await the final award. The High Courts have adopted the *Bezboruah* line at once.

4

Supreme Court arbitration rulings of note in July

A quiet month; two SLP dismissals

90 · 30 · 90

days for mediation, reference and award under the MSMED Bill

Introduced 28 July 2026

3rd

SIAC office in India: Delhi joins Mumbai and GIFT City

Opened 25 July 2026

894

new ICC cases in 2025; USD 41 billion in dispute

Statistics released 10 July

Manash Kamal Bezboruah v. Bokahola Tea Company**14 July 2026** · Justices K.V. Viswanathan and Vijay Bishnoi · 2026 INSC 701; 2026 SCC OnLine SC 1330

Three non-signatory companies asked the tribunal to delete them from the array of parties; the tribunal treated this as a Section 16 objection and rejected it. The Gauhati High Court entertained an Article 227 petition and stayed the tribunal's notices. The Supreme Court set the High Court's orders aside: the Act is a self-contained code; Article 227 lies against an arbitral tribunal only for patent lack of inherent jurisdiction or perversity that "stares one in the face"; and the tribunal has "absolute competence" under Cox & Kings to decide whether non-signatories are veritable parties.

WHY IT MATTERS See the cover story: the Article 227 detour used by non-signatories to stall arbitrations mid-stream is closed.

Sliksync Technologies v. Pidge Technologies**27 July 2026 (SLP dismissed)** · Justices J.B. Pardiwala and K. Vinod Chandran · 2026 SCC OnLine SC 1394

A merchant services agreement had no express seat but conferred exclusive jurisdiction on the courts at New Delhi. The Delhi High Court appointed a sole arbitrator under Section 11, holding that an exclusive-jurisdiction clause "in the context of arbitration proceedings, must be construed as indicative of the seat of arbitration". The Supreme Court found "no good ground to interfere".

WHY IT MATTERS Not a declaration of law, but it leaves standing a useful Delhi line: where no seat is named, an exclusive-jurisdiction clause will ordinarily fix the seat and hence the Section 11 and Section 34 court.

Nasr Ullah Khan v. One97 Communications (Paytm-Nightstay)**22 July 2026 (SLP dismissed)** · Justices P.S. Narasimha and Alok Aradhe · SLP (C) 23694/2026

Paytm bought intellectual property from Nightstay Travels for Rs. 5.5 crore plus GST and alleged that the seller never remitted the GST, denying Paytm its input-tax credit. Nightstay argued that tax disputes are non-arbitrable under the CGST Act. An arbitrator initially agreed; the District Judge reversed, holding the claim a contractual one between private parties involving no exercise of sovereign taxing power. The Supreme Court declined to interfere.

WHY IT MATTERS A claim for reimbursement of tax lost through a counterparty's default is a contractual, arbitrable claim.

A.K. Ghosh & Company v. Biman Bose (Commercial Courts Act)**14 July 2026** · Justices Sanjay Kumar and K. Vinod Chandran · 2026 INSC 684

Plaintiffs sued for the price of goods; the defendants counter-claimed; the plaintiffs sought leave to reply to the counter-claim 238 days later. The Calcutta High Court refused and the Supreme Court dismissed the appeals. Order VIII Rule 6G CPC applies the written-statement rules to a reply to a counter-claim, so the Commercial Courts Act's 120-day outer limit binds plaintiffs too, runs automatically, and is forfeited on expiry. An order under Order VIII is not appealable under Section 13(1A), which is confined to Order XLIII orders and Section 37 of the Arbitration Act.

WHY IT MATTERS The 120-day guillotine cuts both ways in commercial suits, including those that surround Section 34 and Section 36 practice.

Levitate Mobile Technologies v. Standard Chartered Bank (Commercial Courts Act)

9 July 2026 · Justices Sanjay Karol and N. Kotiswar Singh · 2026 INSC 674

A 2015 suit over a mobile-application development contract was transferred to the Commercial Division in 2018. A second application to place additional documents on record was rejected after a five-year delay, and the Supreme Court upheld the rejection: Commercial Courts Act timelines apply to transferred suits; documents in a party's possession must be filed at the outset; "reasonable cause" is not shown by volume or by matters emerging in cross-examination.

WHY IT MATTERS Front-loaded disclosure discipline now governs the commercial litigation that surrounds arbitration.

COMING UP

Several significant decisions followed in August and will be covered in the next issue: KKH Finvest v. Ashiesh Shukla (5 August; a non-signatory consultant-shareholder held a veritable party), NPCC v. Ishvakoo (11 August; post-award Section 9 relief for an award-debtor upheld) and Santosh Associate v. HSIIDC (17 August; pre-deposit clauses referred to a larger Bench). T.K.A. Padmanabhan (consumer fora and arbitration clauses) was a June judgment and was covered last month.

FROM THE COURTS High Courts

July 2026

DELHI HIGH COURT

Indian Oil Corporation v. Toyo Engineering Corporation

15 July 2026 · Justice Amit Bansal · O.M.P. (COMM) 316/2019

A challenge to a March 2019 award of about Rs. 662 crore in favour of Toyo Engineering and L&T, arising from a refinery EPC contract, was dismissed. The tribunal's reading of the extension-of-time and price-adjustment clauses was plausible; IOCL was in substance seeking a re-appreciation of evidence and an alternative reading of the contract, which Section 34 does not permit. One of the largest awards upheld in Delhi this year.

DELHI HIGH COURT

Chief Engineer, ESIC v. Enarch Consultants

7 July 2026 · Justice Om Prakash Shukla · O.M.P. (COMM) 529/2024

A Section 34 petition was dismissed as time-barred. E-mail transmission of a scanned, signed copy of the award is valid delivery under Section 31(5), and the three months under Section 34(3) run from that e-mail, not from later receipt of a physical copy. In *Union of India v. ISC-YUG (JV)*, Justice Harish Vaidyanathan Shankar held that a party cannot let the period lapse and restart it by obtaining another copy.

DELHI HIGH COURT

Cosmo Retail Solutions v. Sumant Agarwal

16 July 2026 · Justice Subramonium Prasad · ARB.P. 293/2026

After an earlier award was set aside, the claimant sought a fresh arbitrator; the respondent objected that no fresh Section 21 notice had been served. Held: once proceedings have validly commenced by a Section 21 notice its purpose is spent; a fresh notice is not a precondition to constituting a new tribunal after a set-aside. A new sole arbitrator was appointed.

DELHI HIGH COURT · DIVISION BENCH

Turner Morrison v. Rani Parvati Devi

16 July 2026 · Justices Anil Kshetrapal and Amit Mahajan · FAO(OS) (COMM) 130/2020

A Section 37 appeal against dismissal of a Section 34 challenge was dismissed: a court cannot interfere with an arbitrator's plausible interpretation of a contract merely because another view is possible, and the appellate court's remit is narrower still than the Section 34 court's. "Double deference" in Section 37 appeals, stated plainly.

DELHI HIGH COURT · DIVISION BENCH

WAPCOS v. Virgo Aqua (MSMED Act, Section 19)

July 2026 · FAO(OS)(COMM) 97/2024

The 75 per cent pre-deposit under Section 19 does not bar a court from first examining a credible, ex facie plea that the Facilitation Council's award is a nullity, for instance for want of jurisdiction. Read with the Rajasthan High Court's ruling in *Purvanchal Vidyut v. Anamika Conductors* permitting instalment deposits in hardship cases, and the Himachal Pradesh High Court's *Tynor Orthotics v. HP MSEFC* (7 July) holding that a Council cannot refer a dispute to an individual arbitrator under Section 18(3) but must arbitrate itself or refer to an institution.

BOMBAY HIGH COURT

I.A. & I.C. v. Atul & Arkade Realty

27 July 2026 · Justice Sharmila U. Deshmukh · Comm. Arb. Pet. (L) 2846/2025

A Section 34 petition against a tribunal's Section 16 ruling was dismissed as not maintainable: a decision on jurisdiction is not an interim award, and the aggrieved party must await the final award. The High Courts applied *Bezboruah* within two weeks.

ALLAHABAD HIGH COURT · DIVISION BENCH

U.P. State Highways Authority v. Abhijeet Meerut Karnal Toll Road

23 July 2026 · Chief Justice Arun Bhansali and Justice Jaspreet Singh

Financial models alone cannot prove loss of profit; a Rs. 157.57 crore component of the award was severed and remitted.

GUJARAT HIGH COURT · DIVISION BENCH

Asean LNG Trading Co. v. Adani Energy

July 2026 · Chief Justice Sunita Agarwal and Justice D.N. Ray

Refusal to enforce a USD 109.95 million foreign award was upheld where the tribunal had assumed a concluded contract despite no agreement on essential terms.

KARNATAKA HIGH COURT

Waterline Hotels v. Singapore International Arbitration Centre

July 2026 · Justice Suraj Govindaraj · W.P. 16178/2026

In an SIAC-administered arbitration where the arbitrator had originally been appointed by the Supreme Court under Section 11, a writ seeking directions on the arbitrator's replacement was refused: once the Supreme Court appoints, any supervening event affecting the tribunal's constitution falls within its exclusive domain.

DELHI HIGH COURT · DIVISION BENCH

NHAI v. South Indian Bank and Union Bank

9 July 2026 · Justices V. Kameswar Rao and Vinod Kumar

Escrow awards of about Rs. 411 crore were upheld; NHAI cannot resile from a Provisional Completion Certificate by later keeping it "in abeyance".

MADRAS HIGH COURT · DIVISION BENCH

NHAI v. B. Rajyalakshmi

22 July 2026 · Justices P. Velmurugan and K. Govindarajan Thilakavadi

After a remand, an arbitrator must give independent reasons; reproducing the pleadings is not a reasoned award.

DELHI HIGH COURT

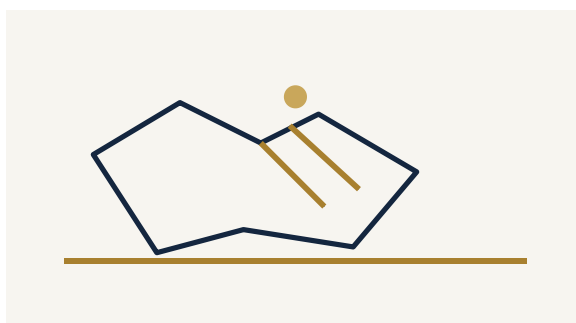
Vedanta and Ravva Oil v. Government of India

July 2026 · Justice Jasmeet Singh

Foreign awards of about USD 454 million in the Ravva profit-petroleum dispute were enforced; an enforcement court cannot reopen the merits.

INDIA Policy & institutions

Legislation · Government · arbitral institutions



SIAC's Delhi liaison office was inaugurated on 25 July at its Annual India Conference, in the presence of the Chief Justice of India, Singapore's Minister for Law and the Attorney General for India.

28 JULY 2026 · RAJYA SABHA

The MSMED (Amendment) Bill, 2026

Introduced on 28 July and passed by both Houses in the first week of August, the Bill rewrites the dispute-resolution provisions of the MSMED Act, 2006. Facilitation Councils are to have three to five members with mandatory legal and industry representation, and jurisdiction follows the supplier's location. Mediation before the Council must be completed within ninety days of first appearance; the reference to arbitration must follow within thirty days of failed mediation; and the award must be made within ninety days of completion of pleadings. A statutory online dispute resolution mechanism is provided, with video hearings, e-filing and e-evidence. The 75 per cent pre-deposit under Section 19 is retained, but if a challenge is pending beyond six months the court must release at least half the award to the supplier. Awards and settlements become recoverable as arrears of land revenue and are treated as debts under insolvency law, and central public sector enterprises must settle MSME invoices on TReDS. For institutions that receive Section 18(3) references, the ninety-day award clock is the operative change.

25 JULY 2026 · NEW DELHI

SIAC opens in Delhi

At its Annual India Conference at The Leela Palace, on the theme "International Arbitration: Navigating New Realities and Stress-Testing the Fundamentals", the Singapore International Arbitration Centre inaugurated a Delhi liaison office, its seventh overseas office and third in India after Mumbai and GIFT City, in the presence of Chief Justice Surya Kant, Singapore Law Minister Edwin Tong, Minister of State Arjun Ram Meghwal, Attorney General R. Venkataramani and Justice Tejas Karia. The office is headed by Shwetha Bidhuri, Director and Head (South Asia). SIAC said Indian parties have been among its top three foreign users for a decade and its largest foreign user group for several years. The programme included a mock emergency-arbitration hearing under the SIAC Rules 2025.

27 JULY 2026 · DELHI

DIAC hosts Korean Supreme Court judges

The Delhi International Arbitration Centre received a delegation of judges of the Supreme Court of Korea led by Justice Chun Daeyup. DIAC's half-yearly newsletter (Issue V) was published on 21 July, and a Practice Direction on virtual preliminary hearings, dated 29 May, was posted on 28 July.

MONSOON SESSION · 20 JULY–13 AUGUST 2026

No Arbitration (Amendment) Bill

Twelve Bills were introduced in the Monsoon Session; none amends the Arbitration and Conciliation Act, 1996 or the Mediation Act, 2023. The justice-sector items were the Supreme Court (Number of Judges) Amendment Bill, 2026, introduced on 20 July, and the Tribunals Reforms Bill, 2026 in August. The draft Arbitration and Conciliation (Amendment) Bill of 2024 therefore remains un-introduced.

23 JULY 2026

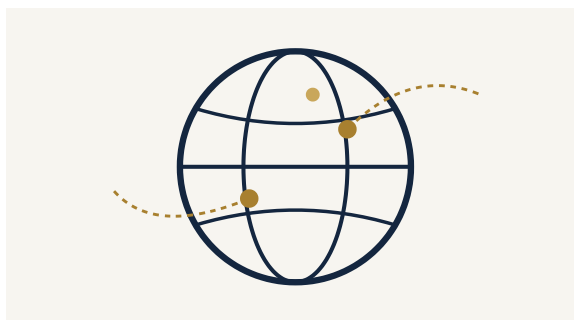
India ADR Week 2026 announced

MCIA announced the sixth India ADR Week for 7–11 September 2026 across Bengaluru, Mumbai and New Delhi, with more than twenty sessions; the Chief Justice of India is to deliver the closing keynote in Delhi, Justice Vibhu Bakhru is chief guest in Bengaluru and Justice G.S. Kulkarni opens the Mumbai leg on 9 September. Early-bird registration closed on 31 July.

6 JULY 2026

IIAC deputation posts close

The India International Arbitration Centre's extended deadline for various posts on deputation closed on 6 July. Its temporary suspension of new arbitrator-empament applications, in force since 4 May, continued.



On 24 June the English Court of Appeal held that India's ratification of the New York Convention is not a waiver of state immunity; the decision was published and analysed in July and is the month's most discussed India-related item abroad.

3–13 JULY 2026 · NEW YORK

UNCITRAL adopts the ISDS reform texts

At its 59th session the Commission adopted the Supplementary Provisions on the Conduct of Proceedings to Resolve International Investment Disputes as a standalone instrument, covering burden of proof, early dismissal, third-party funding, security for costs, counterclaims, damages, costs and case management, designed to sit alongside the UNCITRAL and ICSID rules; and finalised the draft Statute of the Advisory Centre on International Investment Dispute Resolution for transmission to the General Assembly. It also adopted measures enabling electronic submission of arbitral awards and related notices. A decade of Working Group III's work has now produced binding-ready texts.

10 JULY 2026 · PARIS

ICC 2025 statistics: record caseload, lower values

ICC registered 894 new cases in 2025 (881 under the Arbitration Rules), with parties from 147 countries and seats in 123 cities across 70 jurisdictions (Paris 82, London 78, New York 44, Singapore 42). The aggregate amount in dispute was USD 41 billion, but the average fell to USD 50 million from USD 130 million in 2024. There were 169 expedited-procedure cases and 30 emergency-arbitrator applications; women accounted for 29.6 per cent of arbitrator confirmations and appointments (10.4 per cent a decade ago) and 34 per cent of arbitrators were under fifty. Construction and engineering made up 28 per cent of cases and energy 15 per cent. The 2026 Rules entered into force on 1 June.

24 JUNE 2026 (PUBLISHED JULY) · LONDON

Court of Appeal: New York Convention ratification is not a waiver of immunity

In *CC/Devas (Mauritius) Ltd v. Republic of India* [2026] EWCA Civ 797, Lewison, Newey and Phillips LJJ unanimously held that India's ratification of the New York Convention is not a "prior written agreement" to submit to the jurisdiction under section 2 of the State Immunity Act 1978. Article III's "rules of procedure" include state immunity; "Art. III of the New York Convention preserves state immunity by its own terms" (Phillips LJ); and, in Lewison LJ's words, "no arbitration agreement, no waiver". Enforcement in England of the Hague-seated BIT awards against India cannot proceed on the waiver route.

2 JULY 2026 · LONDON

India v. CC/Devas: section 45 and who speaks for a claimant

In the London-seated India–Mauritius BIT arbitration a dispute arose over who represents the Mauritian claimant companies after the Mauritian Supreme Court appointed an administrator whom the tribunal declined to recognise. India applied under section 45 of the Arbitration Act 1996 for determination of a preliminary point of law. The Commercial Court dismissed four threshold objections: section 45 requires the parties' agreement, not the representatives' consent; it is not confined to prospective questions; earlier procedural orders do not create issue estoppel; and a choice of international law for the merits does not displace English procedural law at an English seat.

15 JULY 2026 · LONDON

E v F: no late expansion of challenges

A respondent state that had filed timely section 67 and 68 challenges to a BIT award sought, 162 days later, to add new grounds. The Commercial Court refused: the Kalmneft factors apply to late amendments as much as to late filings, a change of lawyers and internal instructions do not explain the delay, and expansion would “undermine the finality” of arbitration.

30 JUNE 2026 · WASHINGTON

ICSID contract clauses and a Singapore office

ICSID’s first study of contract-based cases, with updated model clauses, was published on 30 June; its fiscal-year statistics followed on 14 August and its Singapore office opened on 26 August. Indian public-sector entities negotiating with foreign investors will find the new clauses relevant.

31 JULY 2026 · THE HAGUE

Indus Waters: Neutral Expert proceedings continue

In PCA Case No. 2023-14 the Neutral Expert held a fifth procedural meeting and adopted the terms of a modelling exercise; Pakistan’s applications for publication of pleadings and disclosure of documents to the Court of Arbitration were noted. India has not participated in the parallel Court of Arbitration proceedings, which issued an award on 31 August.

READING UNCITRAL’S TEXTS

The Supplementary Provisions and the draft Statute of the Advisory Centre are published on uncitral.un.org under the 59th session documents; students following Working Group III will find the Commission’s report the best single account of a decade of investor-state reform.

**YOUNG
EXPLAINER**

PRACTITIONER’S

Remedies against a tribunal’s interlocutory orders

After Bezboruah, MCM Worldwide and Tarini Prasad Mohanty, the map of remedies against an arbitral tribunal’s orders before the award is settled. This explainer draws it, from SBP v. Patel to July 2026.

1

What Section 16 provides

A tribunal may rule on its own jurisdiction, including objections to the existence or validity of the arbitration agreement. A plea that it lacks jurisdiction must be raised not later than the statement of defence. If the plea is accepted, an appeal lies under Section 37(2)(a). If it is rejected, Section 16(5) directs the tribunal to continue and make an award, and Section 16(6) allows the aggrieved party to challenge that award under Section 34. MCM Worldwide (April) confirms that the rejection is not an interim award; Bezboruah (July) confirms that Article 227 is no substitute.

2

The narrow writ window

From SBP v. Patel (2005) through Deep Industries (2019) and Bhaven Construction (2021), the Supreme Court has allowed Article 227 against tribunals only in exceptional cases. Bezboruah states the test: patent lack of inherent jurisdiction, or perversity that stares one in the face, with High Courts acting with “extreme circumspection”. A stamping objection (Tarini Prasad Mohanty), a limitation objection (MCM Worldwide) and a non-signatory objection (Bezboruah) all fall outside it.



3

The non-signatory angle

After Cox & Kings (2023), whether a non-signatory is a “veritable party” is decided by the tribunal on the full record; the referral court under Sections 8 and 11 looks only prima facie at the existence of an agreement. The practical lesson of Bezboruah is timing: object at the referral stage, or accept that the tribunal decides first and the court reviews later. KKH Finvest (August) shows the doctrine applied to an individual shareholder.

4

Preserving the point

Record the objection in the statement of defence and in written submissions; obtain a reasoned Section 16 order; participate under protest; and plead the ground under Section 34(2)(a)(iv) or (v) when the award arrives. A failed writ petition costs time and, the Court noted, produces “another round of litigation, which could have been avoided”. Where the tribunal accepts the plea, the appeal under Section 37(2)(a) must be filed within limitation, and the Commercial Courts Act’s own appeal provision (Section 13(1A)) is confined to Order XLIII orders and Section 37 (A.K. Ghosh).

CHECKLIST

- Raise the jurisdictional plea by the statement of defence; later pleas need justification.
- Ask the tribunal for a reasoned Section 16 order and keep the record.
- Do not file an Article 227 petition unless the tribunal patently lacks inherent jurisdiction; expect costs otherwise.
- Diarise the Section 37(2)(a) appeal period if the plea is accepted.
- Plead the preserved objection specifically in the Section 34 petition.

CAREERS & EVENTS

Opportunities & diary

Vacancies · internships · moots · conferences

CONFERENCE · NEW DELHI

International ADR Conference 2026: “ADR Pathways to Legal Harmony”

Maadhyam International Council for Conflict Resolution, with JAMS and the Weinstein International Foundation · 7–9 August 2026 · Delhi High Court (inaugural) and India Habitat Centre

Speakers announced include the Chief Justice of India, the Chief Justice of the Delhi High Court, the Solicitor General and Justices Vikram Nath, Arun Palli and Sanjeev Sachdeva. Early-bird deadline 20 July; final registration 31 July.

adrevent.maadhyaminternational.com

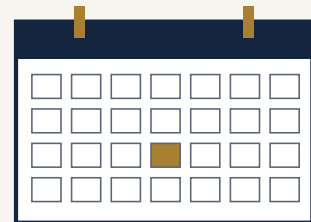
CONFERENCE · THREE CITIES

India ADR Week 2026

Mumbai Centre for International Arbitration · 7–11 September 2026 · Bengaluru, Mumbai, New Delhi

More than twenty sessions; Young MCIA and MIDS alumni roundtable in Mumbai on 7 September; closing keynote by the Chief Justice of India in Delhi. Early-bird closed 31 July.

adrweek.in



DIARY

20 Jul	Monsoon Session of Parliament opens
25 Jul	SIAC Annual India Conference and Delhi office opening (held)
28 Jul	MSMED (Amendment) Bill introduced in Rajya Sabha
31 Jul	Early-bird deadline, India ADR Week; final registration, International ADR Conference
7–9 Aug	International ADR Conference, New Delhi
7–11 Sep	India ADR Week 2026
2 Oct	Vis Moot problem released

CONFERENCE · NEW DELHI (HELD)

SIAC Annual India Conference 2026

Singapore International Arbitration Centre · 25 July 2026 · The Leela Palace

Mock emergency-arbitration hearing under the SIAC Rules 2025 with the new Protective Preliminary Order; inauguration of the Delhi liaison office.

siac.org.sg

12–16 Oct

UNCITRAL Working Group III, 55th session

31 Oct

ICC India Arbitration Conference, Mumbai

Listings are reproduced from the organisers' announcements as on the date of publication; check the organiser's website for changes. Institutions and firms may send arbitration-related vacancies and events for the next issue to admin@delhiarbitrationcentre.com.

VACANCY · INDIA (CLOSED)

Deputy Counsel, Delhi International Arbitration Centre

DIAC · Shortlist published 15 July 2026

Nine contractual posts advertised in April; interviews in August; results on 3 September. DIAC recruits periodically.

dhcdiac.nic.in

VACANCIES · HONG KONG / SEOUL

Head of Northeast Asia; administrative assistant; legal internships

Hong Kong International Arbitration Centre · Open; no closing date stated

Legal internships in Hong Kong, Beijing and Shanghai; a senior post for HKIAC's Seoul office.

hkiac.org/about-us/careers

MOOT · VIENNA

34th Willem C. Vis International Commercial Arbitration Moot

Vis Moot · Registration September–12 November 2026 · problem 2 October · orals 19–25 March 2027

Claimant memorandum due 10 December 2026, Respondent memorandum 21 January 2027; general rounds 20–23 March 2027 in Vienna. ICDR Rules apply this year.

vismoot.org/home/34th-vis-moot

VACANCY · THE HAGUE

Assistant Legal Counsel

Permanent Court of Arbitration · Apply by 1 December 2026

Two or more years' experience; English or French; start September 2027. PCA fellowships and internships are rolling.

pca-cpa.org/en/about/employment

QUOTABLE **Lines of the month**

"The remedy against the rejection of a Section 16 of the Act application strictly lies under Section 34 of the Act after the pronouncement of the final award."

Supreme Court, Manash Kamal Bezboruah v. Bokahola Tea Co., 14 July 2026

"Evidence, however voluminous, cannot water down the statutory intent and rigours of the statute."

Supreme Court, Levitate Mobile Technologies v. Standard Chartered Bank, 9 July 2026

“Art. III of the New York Convention preserves state immunity by its own terms.”

Phillips LJ, CC/Devas (Mauritius) v. Republic of India, [2026] EWCA Civ 797

“Indian parties and lawyers have for many years played a very important role in SIAC's growth.”

Davinder Singh SC, Chairman, SIAC, at the Delhi office opening, 25 July 2026

NEXT ISSUE

The August 2026 issue will cover the MSMED (Amendment) Act, 2026 as passed, the establishment of the Mediation Council of India on 27 August, the Supreme Court's reference of pre-deposit clauses to a larger Bench (Santosh Associate v. HSIIDC), NPCC v. Ishvakoo on post-award Section 9 relief, KKH Finvest on non-signatory shareholders, the Indus Waters award of 31 August, and ICSID's record caseload and new Singapore office.

CONTRIBUTE

Students and young practitioners may send case notes of up to 800 words, or a 1,200-word explainer, on any development in arbitration, conciliation or mediation to admin@delhiarbitrationcentre.com with “DAC Monthly” in the subject line. Selected pieces are published with the author's name and institution.



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ABOUT THE CENTRE

Delhi Arbitration Centre

An independent institutional arbitration centre, registered under the Societies Registration Act, 1860 and working in arbitration, conciliation and mediation since 2011. The Centre administers proceedings under the DAC Arbitration Rules, 2023, the DAC Mediation Rules, 2017 and the DAC Conciliation Rules, 2017, maintains a panel of arbitrators drawn from retired judges and senior professionals, and is empanelled for references under section 18(3) of the MSMED Act, 2006.

MODEL ARBITRATION CLAUSE

“Any dispute or difference arising out of or in connection with this contract, including any question regarding its existence, validity or termination, shall be referred to and finally resolved by arbitration administered by the Delhi Arbitration Centre in accordance with the DAC Arbitration Rules for the time being in force, which Rules are deemed to be incorporated by reference in this clause. The seat of arbitration shall be Delhi. The language of the arbitration shall be English.”

REGISTRY

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www.delhiarbitrationcentre.com → Rules of the Centre /
Forms & Procedures

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13. pca-cpa.org – news, 31 July 2026 (PCA Case No. 2023–14)
14. icsid.worldbank.org – news releases (30 Jun, 14 Aug, 26 Aug 2026)
15. livelaw.in – International ADR Conference 2026 (6 Jul 2026); advent.maadhyaminternational.com
16. hkiac.org – careers; pca-cpa.org – employment; vismoot.org – 34th Vis Moot key dates