SIAC Rules 2016 Roadshow, Mumbai
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On 30 September 2016, the Singapore International Arbitration Centre (SIAC) held the first leg of its Indian Roadshow of the SIAC Rules 2016 in Mumbai. The year 2016 has been significant for SIAC as it also marks the silver anniversary of the Centre.

In a warm welcome address, Ms Lim Seok Hui, CEO of SIAC and SIMC, highlighted the impact that India has had in the work of the Centre. In 2015, there were 91 Indian parties who contributed to the 271 new cases filed with SIAC, making it the busiest year in the 25-year history of SIAC. Last year, 9 out of the 69 applications received under the expedited procedure provisions involved Indian parties. Ms Lim then enlightened the 100 odd delegates about the success achieved by SIAC in terms of its Emergency Arbitration (EA) provisions. The Centre recently received its 51st EA application, making it a world leader for EA cases.

Mr Alvin Yeo, SC, Chairman and Senior Partner, WongPartnership LLP and Member, SIAC Court of Arbitration intensified the curiosity regarding the new Rules with fine humour. He expressed that much like ‘Tesla’, SIAC is not one to rest on its laurels and is thus always striving towards improving the Rules based on best practices in the market. Mr Darius Khambata, SC mirrored this view. Mr Khambata, in his address to the audience stated that Indian litigants and lawyers have reposed their trust in SIAC to resolve their disputes fairly and efficiently. He was of the opinion that this is one of the main reasons for Indian parties increasingly becoming Claimants in SIAC arbitrations.

The topic for the first Panel Discussion was Early Dismissal, Emergency Arbitrators and the Expedited Procedure: The Practitioner’s New Arbitration Toolkit. Moderated by Mr Alvin Yeo, SC, the panel consisted of Mr Ganesh Chandru, Mr Badrinath Durvasala, Mr Steven Lim, Mr Kevin Nash and Ms Sherina Petit as participating speakers.

Mr Lim introduced Rule 29 which provides for Early Dismissal of Claims and Defences, as an innovative change to the 2016 Rules and elucidated upon the two-fold protection that is built
within the provision. SIAC is the first commercial arbitration institution to introduce this feature in its Rules. He also drew the delegates’ attention to the qualifying keyword in the new Rule, ‘manifestly’, the interpretation of which has been left open in the Rules. This Rule is meant to add structure to the proceedings and would encourage the parties and tribunal to resolve preliminary issues. Mr Durvasala provided a commercial viewpoint on the Rule by stating that, in practice, it is almost impossible that the general and legal counsels of a commercial entity would submit a claim lacking legal merit. Mr Chandru referred to the Expedited Procedure available under Rule 5 as the six-year old baby that has revolutionised international arbitration. While distinguishing the SIAC Rules 2016 from the SIAC Rules 2013, he also discussed the expedited procedure under the Indian Arbitration and Conciliation Act. In terms of enforcement of EA Awards, Ms Petit was of the opinion that there is a high level of voluntary compliance with EA Awards. In India, there is a judicial endorsement of the SIAC EA provisions, which can be substantiated by a recent judgment of the Bombay High Court. Fascinatingly, the first EA case received by SIAC involved a dispute between two Indian parties.

The subsequent panel discussion, *Multiplicity in Arbitration: Multi-party and Multi Contract Arbitrations under the SIAC Rules 2016* was moderated by Mr Vikram Nankani. The panel included Mr Vyapak Desai, Mr Kevin Nash, Mr Andre Maniam, SC, Mr Prakash Pillai, Mr Howard Rosen and Ms Dipali Talvar as speakers.

Mr Nash presented Rules 7 & 8 as an attempt to remedy jurisdictional and other technical challenges raised by clever, obstructionist respondents which would also aim at saving costs and time. Mr Vyapak Desai was of the opinion that these Rules take us back to the roots of arbitration, in giving the parties flexibility and more involvement in the manner in which the arbitration is carried out. Admitting the same, Mr Howard Rosen however pointed to the possible downside by stating that consolidation may prevent a claimant from being more innovative and going into the depth of its arguments.

![Left to Right: Pranav Mago, Alvin Yeo, SC, Ganesh Chandru, Lim Seok Hui, Sherina Petit, Badrinath Durvasala, Steven Lim, Kevin Nash](image1)

![Left to Right: Sitesh Mukherjee, Cyril S. Shroff, Pranav Mago, Ankit Goyal, Lomesh Kiran Nidumuri, Raj Panchmatia](image2)

The final panel session on *User’s Guide to Arbitration in India: Leaps and Bounds and Burning Questions* was the most interactive one. Moderated by Mr Cyril S. Shroff, the panel comprised of Mr Ankit Goyal, Mr Sitesh Mukherjee, Mr Lomesh Kiran Nidumuri and Mr Raj Panchmatia.
Mr Goyal familiarised the delegates with the decision of the Supreme Court in *Sri Lal Mahal*, the landmark case in which the ground of ‘patent illegality’ was made unavailable for foreign seated arbitrations. With respect to the question of whether two Indian Parties can have a foreign seated arbitration the panel examined the contrasting decisions of the Bombay High Court (‘Aadhaar Mercantile’) and Madhya Pradesh High Court (‘Sasan Power’). The decision of the MP High Court in Sasan Power, lays down the ruling that there is nothing to prevent Indian parties from choosing a foreign seat. The decision was challenged in the Supreme Court and as Mr Goyal opined, the Court gave up a golden opportunity to show their stance on this front and did not do away with the grey area surrounding the question. Mr Raj Panchmatia and Mr Lomesh Nidumuri brought to light the more practical hurdles to be faced by the new Act in the forthcoming days, specifically on the debate surrounding the prospective or retrospective application of the Act and issues that may be faced due to the incorporation of the IBA Conflict Guidelines into the Act. India is the first country to incorporate these guidelines into its statutory provisions.

The conference was very insightful and took place at an opportune time, since the discussions pertained to fresh legislation, the implications of which are best discussed in order to avoid any issues that may be faced by practitioners.