

Dispute Resolution Hotline

June 18, 2021

THE ARBITRATION AND INSOLVENCY COLLISION: THE INDIAN PERSPECTIVE

This article first appeared on the website of the Arbitration Committee of the Legal Practice Division of the International Bar Association, and is reproduced by kind permission of the International Bar Association, London, UK ©International Bar Association.



SUMMARY

Alipak Banerjee and Payel Chatterjee of Nishith Desai Associates in their recent article titled “**The Arbitration and Insolvency Collision: the Indian Perspective**” examine the interplay of arbitration and insolvency laws. The article analyses the operation of the moratorium under the Insolvency and Bankruptcy Code, 2016 on the pending or fresh arbitral proceedings, the ability of the parties to the arbitration proceedings to participate in the insolvency resolution process, the treatment accorded to pending claims in the resolution plan, the impact of insolvency proceedings on enforcement actions, and finally, whether an arbitral award can be used as a credit to commence insolvency proceedings.

For complete article, please click [here](#).

– Alipak Banerjee & Payel Chatterjee

You can direct your queries or comments to the authors

DISCLAIMER

The contents of this hotline should not be construed as legal opinion. View detailed disclaimer.

This Hotline provides general information existing at the time of preparation. The Hotline is intended as a news update and Nishith Desai Associates neither assumes nor accepts any responsibility for any loss arising to any person acting or refraining from acting as a result of any material contained in this Hotline. It is recommended that professional advice be taken based on the specific facts and circumstances. This Hotline does not substitute the need to refer to the original pronouncements.

This is not a Spam mail. You have received this mail because you have either requested for it or someone must have suggested your name. Since India has no anti-spamming law, we refer to the US directive, which states that a mail cannot be considered Spam if it contains the sender's contact information, which this mail does. In case this mail doesn't concern you, please unsubscribe from mailing list.

Research Papers

New Age of Franchising

June 20, 2025

Life Sciences 2025

June 11, 2025

The Tour d'Horizon of Data Law Implications of Digital Twins

May 29, 2025

Research Articles

2025 Watchlist: Life Sciences Sector India

April 04, 2025

Re-Evaluating Press Note 3 Of 2020: Should India's Land Borders Still Define Foreign Investment Boundaries?

February 04, 2025

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

January 15, 2025

Audio

CCI's Deal Value Test

February 22, 2025

Securities Market Regulator's Continued Quest Against “Unfiltered” Financial Advice

December 18, 2024

Digital Lending - Part 1 - What's New with NBFC P2Ps

November 19, 2024

NDA Connect

Connect with us at events, conferences and seminars.

NDA Hotline

[Click here to view Hotline archives.](#)

Video

Reimagining CSR: From Grant Giving to Blended Finance & Outcome Based Funding

June 16, 2025

Courts vs Bankruptcy code: The
JSW-Bhushan Saga

June 04, 2025

Vyapak Desai speaking on the
danger of deepfakes | Legally
Speaking with Tarun Nangia |
NewsX

April 01, 2025