



SUMMARY ABOUT ARBITRATOR

INCLUDING MEANING,
ROLE, AND LANDMARK
JUDGMENTS



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Arbitrator in Indian Law — Brief Summary

Meaning:

An **Arbitrator** is a **neutral person** chosen by disputing parties to **settle disputes outside the court**, under the **Arbitration and Conciliation Act, 1996**.

He/she performs a **judicial function in a private capacity**, ensuring fair hearing, evidence evaluation, and passing of an **Arbitral Award** that is **binding** on both parties.

Governing Law:

The Arbitration and Conciliation Act, 1996 (based on UNCITRAL Model Law)

Important Sections:

Section	Subject
Sec. 10	Number of arbitrators
Sec. 11	Appointment of arbitrator

Section	Subject
Sec. 12	Challenge to appointment (bias, conflict of interest)
Sec. 18	Equal treatment of parties
Sec. 31	Form and contents of award
Sec. 34	Application for setting aside arbitral award

Role and Duties of an Arbitrator:

1. **Conduct proceedings impartially**
 2. **Hear both parties** and consider evidence
 3. **Ensure confidentiality** of proceedings
 4. **Apply contractual and legal principles**
 5. **Deliver a reasoned award** within prescribed time
 6. **Uphold natural justice and fairness**
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Landmark Judgments on Arbitrator in India

1. *ONGC Ltd. v. Saw Pipes Ltd. (2003) 5 SCC 705*

- **Facts:** Arbitrator awarded damages to contractor (Saw Pipes) despite contract prohibiting such payment.
 - **Principle:** An arbitral award can be **set aside if it is patently illegal or contrary to the terms of the contract or public policy.**
 - **Significance:** Expanded court's power under Section 34 to review arbitral awards.
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2. *Bharat Aluminium Co. (BALCO) v. Kaiser Aluminium Technical Services Inc. (2012) 9 SCC 552*

- **Facts:** Issue of whether Part I of the Arbitration Act applies to foreign-seated arbitrations.
 - **Principle:** **Part I of the Act does not apply to foreign-seated arbitrations.**
 - **Significance:** Clarified jurisdiction of Indian courts in international arbitration.
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3. Perkins Eastman Architects DPC v. HSCC (India) Ltd. (2019) 9 SCC 377

- **Facts:** One party had the right to appoint a sole arbitrator (its own officer).
 - **Principle:** A party interested in the dispute cannot unilaterally appoint the sole arbitrator.
 - **Significance:** Reinforced the **impartiality** and **independence** of arbitrators.
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4. TRF Ltd. v. Energo Engineering Projects Ltd. (2017) 8 SCC 377

- **Facts:** Managing Director of a company was named as the sole arbitrator.
 - **Principle:** A person who is **ineligible to be an arbitrator cannot nominate another arbitrator.**
 - **Significance:** Strengthened fairness in arbitration appointments.
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5. Associate Builders v. DDA (2015) 3 SCC 49

- **Facts:** Dispute over the scope of interference by courts under Section 34.
 - **Principle:** Courts can set aside an award only if it violates **public policy, natural justice, or fundamental legal principles.**
 - **Significance:** Narrowed judicial interference; promoted autonomy of arbitral process.
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Conclusion:

An **Arbitrator** acts as a **private judge** ensuring **speedy, fair, and cost-effective justice** outside the traditional court.

Indian courts have consistently balanced **party autonomy** with **judicial oversight** to maintain fairness and credibility in arbitration.

In Short Table:

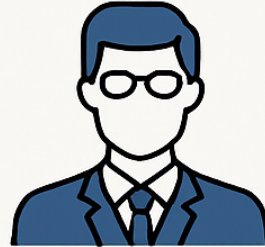
Aspect	Details
Definition	Neutral decision-maker appointed by parties to resolve disputes privately
Law	Arbitration and Conciliation Act, 1996
Nature	Quasi-judicial, independent, and impartial
Key Judgments	<i>ONGC v. Saw Pipes</i> (2003), <i>BALCO v. Kaiser</i> (2012), <i>Perkins Eastman</i> (2019), <i>TRF Ltd.</i> (2017)
Significance	Promotes alternative dispute resolution, reduces court burden, ensures confidentiality



ARBITRATOR IN INDIAN LAW

■ MEANING

A neutral person appointed by parties to resolve disputes outside the court under the Arbitration and Conciliation Act, 1996



ROLE AND DUTIES OF AN ARBITRATOR

- 1 Conduct proceedings impartially
- 2 Hear both parties
- 3 Ensure confidentiality
- 5 Uphold natural justice and fairness
- 6 Ineligible arbitrator cannot nominate an arbitrator

LANDMARK JUDGMENTS

1. **ONGC Ltd. v. Saw Pipes Ltd.** (2003) 5 SCC 705
Award can be set aside if patently illegal or against the terms of contract
2. **Bharat Aluminium Co. v. Kaiser Aluminium** (2012) 9 SCC 352
Part I of the Act does not apply to foreign-seated arbitration
3. **Perkins Eastman v. HSCC (India) Ltd.** (2019) 9 SCC 377
Party interested in the dispute cannot appoint the sole arbitrator
4. **TRF Ltd. v. Energo Engg. Projects Ltd.** (2017) 8 SCC 377
Ineligible arbitrator cannot
4. **TRF Ltd. v. Energo Engg. Projects Ltd.** (2017) 8 SCC 377
Ineligible arbitrator cannot nominate arbitrator
5. **Associate Builders v. DDA** (2015) 3 SCC 4
Court can intervene if award violates public