



The Arbitration (Extension to Nagaland) Act, 1978

Act 9 of 1978

Keyword(s):

Arbitrator, Alternate Dispute Resolution, Award

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THE ARBITRATION (EXTENSION TO NAGALAND) ACT, 1978

(NAGALAND ACT NO. 9 OF 1978)

Received the assent of the President of India on the 23rd September, 1978.

An

Act

To provide for the extension of the Arbitration Act, 1940 (10 of 1940) to the State of Nagaland.

It is hereby enacted in the Twenty ninth year of the Republic of India as follows :—

1. Short title.

(1) This Act may be called The Arbitration (Extension to Nagaland) Act, 1978.

(2) It shall come into force at once.

2. Extension of Act 10 of 1940 to Nagaland.

The Arbitration Act, 1940 is hereby extended and shall be in force in the State of Nagaland.

3. Extension to have retrospective effect.

(1) The extension of the Principal Act, by section 2 of this Act, shall have retrospective operation and it shall apply to all agreements providing for arbitration and more particularly in respect of :—

- (i) any award given by any arbitrator or person acting as an arbitrator before the commencement of this Act, as if such an award was given in accordance with the provisions of the Principal Act;
- (ii) any proceeding pending in any Court, including the High Court, arising out of any award given under any agreement before the commencement of this Act;
- (iii) any petition decided by the High Court before the commencement of this Act and the period of limitation for preferring an appeal to the Supreme Court against

such decision has not expired and no appeal has been filed before the Supreme Court; or

- (iv) any arbitration proceedings, pending before any arbitrator or person acting as such, by any order of the appropriate Court.
- (2) Notwithstanding anything to the contrary, any award given by any arbitrator or any person or any proceeding commenced, under any agreement providing for arbitration shall be deemed to have been given or commenced, under the provisions of the Principal Act, as if at the relevant time, when the award was given or proceeding was commenced, the Principal Act was in force in the State of Nagaland, and it shall be lawful for any Court to pass any decree in accordance with any such award. And if any Court had refused to entertain any award so given, before the commencement of this Act, it shall be lawful for any of the parties interested to apply to the appropriate Court within one month of the coming into force of this Act, disposal of the award in accordance with the provisions of the Principal Act.