
The Arbitration and Conciliation Act, 1996

Part-I Arbitration

Chapter-VIII Finality and enforcement of arbitral awards

¹[Section 36: Enforcement.

36. (1) Where the time for making an application to set aside the arbitral award under [section 34](#) has expired, then, subject to the provisions of sub-section (2), such award shall be enforced in accordance with the provisions of the Code of Civil Procedure, 1908 (5 of 1908), in the same manner as if it were a decree of the court.

(2) Where an application to set aside the arbitral award has been filed in the Court under [section 34](#), the filing of such an application shall not by itself render that award unenforceable, unless the Court grants an order of stay of the operation of the said arbitral award in accordance with the provisions of sub-section (3), on a separate application made for that purpose.

(3) Upon filing of an application under sub-section (2) for stay of the operation of the arbitral award, the Court may, subject to such conditions as it may deem fit, grant stay of the operation of such award for reasons to be recorded in writing:

Provided that the Court shall, while considering the application for grant of stay in the case of an arbitral award for payment of money, have due regard to the provisions for grant of stay of a money decree under the provisions of the Code of Civil Procedure, 1908 (5 of 1908).]

²[Provided further that where the Court is satisfied that a *prima facie* case is made out,—

- (a) that the arbitration agreement or contract which is the basis of the award; or
- (b) the making of the award,

was induced or effected by fraud or corruption, it shall stay the award unconditionally pending disposal of the challenge under [section 34](#) to the award.

Explanation.— For the removal of doubts, it is hereby clarified that the above proviso shall apply to all court cases arising out of or in relation to arbitral proceedings, irrespective of whether the arbitral or court proceedings were commenced prior to or after the commencement of the Arbitration and Conciliation (Amendment) Act, 2015.]

Reference

1. Substituted by [the Arbitration and Conciliation \(Amendment\) Act, 2015](#) (w.e.f 23.10.2015). Prior to substitution, the section stand as:

“36. Enforcement.

Where the time for making an application to set aside the, arbitral award under award shall be endorsed under the Code of Civil Procedure, 1908 (5 of 1908). in the same manner as if it were a decree of the Court.”

2. Inserted by [the Arbitration and Conciliation \(Amendment\) Act, 2021](#) dated 11.03.2021 and shall be inserted and shall be deemed to have been inserted with effect from the 23.10.2015.

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