VI. UNTYING THE GORDIAN KNOT OF DELAYS IN POST-PLEADING ARBITRATION STAGES: A SUGGESTIVE ANALYSIS

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ABSTRACT

Arbitration as an alternate form of dispute resolution has been widely accepted and recognised, and its increased use is a mark of its advantages over traditional methods of dispute resolution. Primarily, the final settlement of disputes in a time-bound and cost-effective manner with the added advantage of party autonomy has attracted parties to arbitration. This being said, specifically in the Indian context, the purpose of arbitration seems to have been belittled by inter alia, exorbitant delays. The same is owed to multi-fold reasons spread across various stages. In this paper, the authors focus on the delays caused during the post-pleading stages. For the purpose of delving into the intricacies of the issues involved and subsequent resolution, the authors have focused on the contributors involved in arbitration proceedings to which such delays are attributable, namely – arbitrator(s), parties and the courts. Thereafter, the authors have referred to certain provisions, aimed at minimizing delays in proceedings in their present form. While doing so, the strengths and fallacies in these provisions have been pointed out besides providing suggestions for aiding the purpose of these provisions. The same has been done while keeping sight of the fundamentals of arbitration as a method of dispute resolution. Lastly, the authors have given their concluding remarks on the topic.

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I. INTRODUCTION

Arbitration is a form of alternative dispute resolution mechanism which has taken significant prominence amongst disputing parties as a preferred forum of redressal over traditionally established courts. In India, arbitration is governed by the Arbitration and Conciliation Act, 1996[1] (hereinafter, "the Act"). Its popularity is evidenced by the fact that most parties entering into contractual arrangements include an arbitration clause as their preferred mode of dispute resolution. This can be primarily attributed to its cost-effective, time-bound, and procedurally flexible nature along with the characteristic of maintaining party autonomy and confidentiality in the matter. Paradoxically, the primary advantages that arbitration offers over other forms of dispute resolution have been the main reasons for its disparagement. Instead of acting as a forum for the final settlement of a dispute, arbitration has rather become a pre-step to litigation. The parties incur heavy costs and invest excessive time in arbitral proceedings, which more often than not, lack finality. This results in undermining the purpose behind the introduction of arbitration as an 'alternate' method of dispute resolution by belittling it to just a 'pre-litigation' step.

The gravity of the situation is attributable to several factors, which occur throughout the course of arbitral proceedings. The present article focuses on the unnecessary delays that occur after the completion of pleadings in an arbitral proceeding. The delay in arbitration proceedings cannot be seen as a secluded issue is rather a causation of several other consequences. For instance, a delay would inevitably increase the cost incurred by the parties including the fees payable to arbitrators, lawyers, the

expenses attributable to witnesses (due to adjournments). Further, the third-party funders are either deterred from funding the concerned party or may have to wait for an extended period of time to recover their funds.

The stages post-pleadings consist mainly of collection of evidence, examination of witnesses, making of the award, appeal and enforcement of the award. For the purpose of delving into the intricacies of the issues involved and subsequent resolution, the authors have focused on the different contributors involved in an arbitration proceeding to which such delays are attributable, namely – arbitrator(s), parties and the courts.

II. DELAY CAUSED BY ACTIONS OF ALL CONTRIBUTORS

A. Arbitrator(s)

The role of arbitrator(s) is imperative in the course of arbitral proceedings. They guide the entire process and help the parties reach an amicable settlement. However, various factors have contributed to the role of arbitrator(s) being associated with multiple delays in the proceedings. One of the foremost factors, which has caused a delay in the proceedings is the fact that the majority of arbitrator(s) lack knowledge of the technicalities which are involved in the disputes.[2] As a result, the arbitrator(s) take excessive time to understand the dispute, which in turn, impacts the timely passage of the award. Albeit, there isn't any *malafide* intention on the part of the arbitrator(s), this delay does adversely impact the overall process and the underlying parties to the dispute. Additionally, parties tend to appoint retired

[1] Arbitration and Conciliation Act, 1996, No. 26, Acts of Parliament, 1996 (India).

[2] *Accelerating Arbitration*, INDIAN INFRASTRUCTURE, (June 2019), https://indianinfrastructure.com/2019/06/02/accelerating-arbitration/, (last visited May 10, 2021).

judges as arbitrator(s) who because of being accustomed to proceedings of court end up using the same procedures during the arbitration proceedings.[3] This highlights the ardent need to appoint people having expertise and experience related to the subject matter of the dispute as well as the nitty-gritty of arbitration proceedings, as arbitrator(s).

The arbitration award can be challenged on the ground of being in violation of "due process,"[4] and this leads to arbitrator(s) being way too lenient with the parties with respect to the deadlines.[5] This again leads to the arbitration proceedings extending much beyond their prescribed deadlines. Thus, both the arbitral tribunal and courts (while hearing appeals), should look into the facts of the case to ensure that the parties do not fail to comply with the deadlines without reasonable cause. Additionally, in cases where the tribunal does not allow for such extensions, the same should not be treated as a violation of 'due process' if the delay can be attributed to the misconduct of the parties. The second proviso to Section 24 of the Act which provides for the imposition of exemplary costs on the parties to the proceedings on failure to provide sufficient cause for seeking adjournments,[6] should also be strictly implemented to prevent such instances from occurring.

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[3] *Using fast track arbitration for resolving commercial disputes*, NORTON ROSE FULBRIGHT, (March 2018), https://www.nortonrosefulbright.com/en/knowledge/publications/981af4b9/using-fast-track-arbitration-for-resolving-commercial-disputes, (last visited May 12, 2021).

[4] Hari Om Maheshwari v. Vinitkumar Parikh, (2005) 1 SCC 379 (17).

[5] Centrotrade Minerals and Metals Inc v. Hindustan Copper Ltd, AIR 2020 SC3613.

[6] Arbitration and Conciliation Act, 1996, No. 26, Acts of Parliament, 1996 (India), §24 Second Proviso.

B. Parties and Counsel

For an arbitration proceeding to be completed in a timely manner, it is crucial that the parties extend their full cooperation.[7] There is a tendency among the parties to not cooperate in the proceedings by failing to comply with the timelines decided for the proceedings and completion of documentation.[8] A number of times, this is done with an objective to make the opposing party willing to compromise on their terms.[9] These practices of the parties are termed as 'guerrilla tactics.'[10] A similar issue had arisen in the case of *Centrotrade Minerals and Metals Inc v. Hindustan Copper Ltd,*[11] wherein the respondents failed to cooperate throughout the proceedings. The respondent continued to be involved in dilatory tactics in order to delay the course of proceedings by not submitting documents on time and constantly failing to abide by the deadlines even when the same were extended for them. Consequently, the respondent also managed to get an injunction from the Court to stay the proceedings which resulted in further delay.

Parties often resort to submission of unnecessary documents as evidence which leads to substantial time being taken up in their study for determining their admissibility.[12] The parties also tend to appeal against the

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[7] Benjamin Davis, *The Case Viewed by a Council at the ICC Court's Secretariat, Fast Track Arbitration: Different Perspectives*, 8 ICC Bulletin, (1992).
[8] Jayesh Pandya and Anr. v. Subhtex India Ltd., 2019(11) SCALE528.
[9] Dr. Andreas Respondek, *Minimizing delays in International Arbitration Proceedings,* SINGAPORE INSTITUTE OF ARBITRATORS, (June 2014), https://www.rflegal.com/upload/document/rechtsanwalt-thailand-minimizing-delays-in-international-arbitration-proceedings.pdf, (last visited April 29, 2021).
[10] *Id.*
[11] AIR 2020 SC 3613.
[12] Irene Welser and Christian Klausegger, *Fast Track Arbitration: Just fast or something different*,CERHAHEMPEL,(2009),https://www.cerhahempel.com/fileadmin/docs/publications/Welser/Beitrag_Welser_2009.pdf, (last visited May 23, 2021).

arbitral award for the mere reason that the award was against them.[13] This was also observed by *Lord Mustill* in his address to the International Council of Commercial Arbitration, wherein he stipulated that:

> Nowadays things are quite different. In so many large international arbitrations the defendant will do everything to postpone the award; at and before hearing; the parties will deploy all conceivable and some inconceivable procedural devices to gain an advantage; the element of mutual respect is lacking; and the loser, rather than paying up with fortitude will try either to have the award overset, or at least have its enforcement long postponed.[14]

This has been possible because of the appeal against arbitral awards being permitted on the grounds of "public policy," the ambit of which continues to remain unsettled due to the multiple ways in which it has been interpreted.[15]

It must be noted that the common thread for all the aforementioned issues is the non-cooperation between the disputing parties. A proportional relationship has been observed between party cooperation and timely settlement of the dispute via arbitration. Therefore, the authors suggest for the inculcation of certain statutory provisions that would propel cooperation between the parties. A three-fold methodology can be adopted to ensure cooperation between the parties:

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[13] Fali S. Nariman, *Finality in India: The Impossible Dream*, 10 AI, 373 (1994).
[14] *Id.*
[15] Arthad Kurlekar and Gauri Pillai, *To be or not to be: the oscillating support of Indian Courts to arbitration awards challenged under the public policy exception*, 32 AI, 179-198 (2016).

- **Where both the parties do not cooperate:** The arbitrator(s) shall impose a cost on the parties for such intentional non-cooperation. Such cost should be 10% of the claim amount which should further be divided among the parties by the arbitrator. Such division should be made in proportion keeping in mind the conduct of the parties during the arbitration along with the stake of the respective parties in the dispute being adjudicated. Additionally, the arbitrator while imposing such costs should record the reasons in writing which will ensure unbiased and rational exercise of power.
- **Where the claimant does not cooperate:** The cost imposed in such instances shall be dependent on the outcome of the matter. If the claim is successful, 10% shall be deducted from the award rendered as a fine for intentional non-cooperation. Alternatively, where the claim is unsuccessful, 10% of the award demanded shall be imposed as a cost for intentional non-cooperation and use of dilatory tactics.
- **Where the respondent does not cooperate:** Similar to a claimant, the cost in such cases shall also depend upon the outcome. If the respondent is successful, they will have to pay a fine equivalent to 10% of the claim amount on account of intentional non-cooperation. Whereas, in case of failure, in addition to the award, an additional cost of 10% of the award rendered shall be borne by them.

Notably, the purpose of these suggestions is to create a deterring effect on the parties from wilfully getting involved in dilatory tactics and to encourage cooperation between them. It would be pertinent to mention herein that by the implementation of the said suggestions, the fundamentals of arbitration law shall remain intact. The timelines shall be decided by the

parties themselves and only intentional non-cooperation to purposefully delay the proceedings shall invite imposition of such costs or fines. Further, wherein the opinion of the arbitrator(s) is that there is non-cooperation, they shall record their reasons for holding this viewpoint. The final beneficiaries of these suggestions shall be the parties themselves who would inevitably save on time and cost caused due to long-drawn proceedings.

Besides the delays caused due to non-cooperation, the language decided by the parties or the arbitral institution may also result in delays during the proceedings. Where the proceedings are conducted in multiple languages, it requires time to be invested in translating the documents in the decided languages.[16] This problem gets aggravated in cases where the witness is unable to give his testimony in the language of the proceedings.[17] Thus, it is crucial that the parties try to reach a consensus on one language that should be used throughout the proceedings to save time provided it does not result in impeding either of the parties in representing their claims.

C. Courts

The judiciary has shown complete apathy in the urgent disposal of arbitral matters that come up for challenge. Several stages of appeal provided under the Act, do not seem to be in consonance with the objective of time-bound resolution. While the legislature has taken steps to make the arbitral proceedings time-bound by allocating stringent time limits,[18] the judiciary has failed to decide challenges to appeal in a time-bound manner. Often there

[16] Stephan Wilske, *Linguistic and language issues in International Arbitration: Problems, Pitfalls and Paranoia,* 9 AAJ, 159-196 (2016).
[17] TEJAS KARIA, ARBITRATION IN INDIA 369(Walter Kluwer 2021).

is an excessive time gap between two hearings. Further, the excessive discretion for admitting appeals exercised by judges and abundant scope for interpretation has also not helped the cause.

1. Appeal before the Courts

As mentioned above, challenges to arbitral awards are done by the parties as a matter of routine. The wide arena provided for challenges is a stark reality and has kept the judiciary constantly involved in disputes that are subject to arbitration. The parties can challenge an award under Section 34 on various grounds provided therein.[19] Further, the party aggrieved by the decision of the appellate Court can raise further objections under Section 37,[20] wherein even refusal to grant interim relief during arbitration proceedings has been made subject to challenge. Albeit an appeal against an order under Section 37 is prohibited, but the right to appeal to the Supreme Court is given to the parties.

The exorbitant delays caused in appeals can be seen in a study showing that on an average, lower courts take 24 months to decide a challenge under Section 34, while the High Courts have taken 12 months, and the Supreme Court took 48 months. From the time of challenge to execution, the average time span stands at 2508 days.[21] These stats show the irony of arbitration being referred to as time-bound means of dispute resolution. The grant of such a right has been used by the losing party mostly

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[18] Arbitration and Conciliation Act, 1996, No. 26, Acts of Parliament, 1996 (India), §29A, 34(6).
[19] Arbitration and Conciliation Act, 1996, No. 26 Acts of Parliament, 1996 (India), §34.
[20] Arbitration and Conciliation Act, 1996, No. 26Acts of Parliament, 1996 (India), §37.

as a dilatory tactic. Timely completion of proceedings and appeals are conflicting in nature but must coexist. Needless to say, the mechanism of appeal is quintessential for safeguarding the interest of the parties. Therefore, what is needed is restriction of appeal to a limited number of stages through the formulation of *de novo* procedures.

The authors suggest the constitution of an appellate body for deciding challenges to arbitral awards. Such a body would comprise of judicial and non-judicial members, with the former being retired High Court Judges and the latter having sufficient experience and familiarity with the arbitration procedures. The body would be a substitute and not a supplementary authority for the subordinate and High Courts, vested with the sole jurisdiction to adjudicate on challenges post arbitral awards. Further, Special Leave to Appeal ("SLP") may be granted to the parties by the Supreme Court provided the award rendered appears to be *prima facie* illegal. However, the acceptance or rejection of appeal must be decided by the Court within a period of 30 days. Further, the final disposal of the matter shall also be done in an expeditious manner.

The authority will be a substitute and not a supplementary authority because under the existing system, multiple stages of appeal have been provided, and each stage adds up to some delay in the final settlement of the dispute. Especially when it comes to the involvement of the higher judiciary, due to the existence of a great number of pending cases, there are several adjournments in the hearing process, which delay the enforcement of the

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[21] Bibek Debroy and Suparna Jain, *Strengthening Arbitration and its enforcement in India-Resolve in India,* NITI AAYOG, https://smartnet.niua.org/content/a5d63f47-ca26-4661-bec9-342a432d20c9, (last accessed April 28, 2021).

awards. A substitute authority for the High Courts, which will be dedicated to arbitration matters, will not only alleviate the delays caused but also relieve the High Courts from some of its burden. Further, allowing an appeal to the Apex Court only through SLPs would ensure limited and genuine appeals to be heard by the Court.

Albeit the appointment of the technical member in such authority might raise concerns of excessive intervention by the executive, the same is a mere apprehension and we cannot deny the fact that numerous tribunals with administrative members appointed by the executive have continued to give unbiased decisions. Further, an added consequence of setting up a substitute authority can be the added administrative and logistical costs associated with the same. However, the numerous advantages (as discussed above) along with the rising reliance on arbitration for the resolution of disputes surpass the costs incurred.

2. Judicial interpretation and delays

Section 5 of the Act excludes the intervention of the Courts during any stage of proceedings unless specifically provided under the Act.[22] The same is done with the aim to reduce delays caused due to the involvement of the judiciary. However, over the course of time, judicial interpretation of the Act has contributed to considerable delays under two scenarios. *Firstly*, where judicial interpretation of arbitration provisions results in a non-arbitration friendly approach. An instance of the same can be found in the interpretation of Section 34(3) by the Apex Court. The Court while deviating

[22] Arbitration and Conciliation Act, 1996, No. 26, Acts of Parliament, 1996 (India), §5.

from its earlier approach,[23] has made the refusal to condone the delay under the said provision subject to challenge under Section 37 of the Act.[24]

Secondly, where the textual language of the provision makes it a tedious task for the judiciary to interpret the same, resulting in a diverse set of interpretations and the creation of an everlasting ground for the parties to challenge the award rendered. The same is evidenced in the interpretation of 'public policy' as a ground for challenge under Section 34 for domestic awards and Section 48(2) for foreign awards. The phrase has been subject to different interpretations from initially including "fundamental policy of India", "the interest of India" and "justice and morality,"[25] to later adding "patent illegality"[26] within its ambit. Although after the 2015 amendment to the Act, the Courts have refrained from such wide interpretations,[27] the position laid down in the Renusagar case was recently reiterated in *Government of India v. Vedanta Limited.*[28] The all-encompassing nature of public policy and its interpretation by the Courts goes contrary to the aim of limiting/reducing the supervisory role that the courts play, which is one of the objectives of UNCITRAL Model Laws on which the Act is based.

Owing to the wide interpretations, the scope of posing and admitting appeals is increased, leading to delays. The role of the legislature, as well as the judiciary, becomes imperative to avoid such scenarios. While the legislature

[23] Radha Bai v. P. Kumar, AIR 2018 SC 5013.
[24] Chintels India Ltd. v. Bhayana Builders Pvt. Ltd., AIR2021SC1014.
[25] Renusagar Power Co Ltd v. General Electronic Co,(1994) Supp. 1SCC 644 (hereinafter, Renusagar case).
[26] Oil and Natural Gas Corporation Ltd. v. Saw mills,(2003) 5 SCC 705.
[27] Venture Global Engineering LLC and Ors v. Tech Mahindra Ltd. and Ors., (2008)4SCC190, Sutlej Construction v. The Union Territory of Chandigarh, [2017] 14 SCALE 240(SC).
[28] AIR 2020 SC 4550.

should draft such provisions which provide a minimum scope of deviation from the provisional text, the judiciary as far as possible must adopt an approach that is 'pro-arbitration,' to facilitate the fulfilment of objectives for which arbitration has been adopted as a method of dispute resolution. The Courts must give narrow constructions to terms so that the scope available for challenging the award and resultant judicial intervention is reduced. The Indian judiciary can follow the interpretative approach to public policy as done by UK Courts. Contrary to the broad interpretation in India, to constitute a violation of public policy in the UK,[29] the only considerations required are illegality or injury to the public good or enforcement offensive to the public on whose behalf the State exercises power.

III. APPRAISAL AND ANOMALIES IN THE EXISTING PROVISIONS AIMED AT FAST-TRACKING ARBITRAL PROCEEDINGS

The legislature has made several attempts at reducing the time delays caused during arbitration proceedings. For this purpose, significant changes have been made through the 2015 Amendment Act and the 2019 Amendment Act.[30] Such amendments were targeted at reducing delays either by way of proposing strict statutory time-limit or by minimising the court's role during arbitration proceedings.

[29] Deutsche Schachtbau-und TiefbohgresellschaftmbH v. Ras Al Khaimah National Oil Co, Shell International Petroleum Co Ltd, [1987]3WLR1023.

[30] Arbitration and Conciliation (Amendment) Act, 2016, No. 3, Acts of Parliament, 2016; Arbitration and Conciliation (Amendment) Act, 2019, No.33, Acts of Parliament, 2019.

Under Section 27 of the Act, the assistance of the Court can be resorted to in taking evidence.[31] In doing so, the Court in its own wisdom can order evidence 'to be directly provided to the arbitral tribunal.' The rationale behind the provision is to expedite the process of arbitration by faster evidence collection, the reason being the absence of any power vested in the arbitral tribunal to summon witnesses or ensure their attendance.[32] However, antithetical to the purpose, the process causes certain delays. One of the primary reasons for the delays being the discretion vested in the Courts while deciding upon such an application.[33] This causes delays in passing an order and consequently in taking evidence. Without directly amending the said provision, the assistance of the court required for taking evidence has been practically done away with by an amendment brought to Section 17.[34] The arbitral tribunal has now been given the authority to enforce its own order in the same way as that of a civil court.[35] Despite the progressive step, in the opinion of the authors, a lot more can be done to expedite the evidence collection process.

It is suggested that by providing for video-conferencing as a general norm (to the extent of feasibility), the number of physical hearings can be reduced drastically, and this will further reduce the time taken in evidence collection and testimony. A reference can be made to Article 8 of the Expedited Arbitration Rules laid down by the London Chamber of Arbitration and Mediation ("LCAM"), which is relevant in this regard. To

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[31] Arbitration and Conciliation Act, 1996, No. 26, Acts of Parliament, 1996 (India),§27.
[32] National Insurance Company Limited v. M/S SA Enterprises, Review Petition No. 51 of 2015, Delhi High Court.
[33] Silor Associates v. Bharat Heavy Electrical Ltd., 213 (2014) DLT 312.
[34] Binsy Susan and Adarsh Ramakrishnan, *Court's Assistance in Conduct of Arbitral Proceedings*, 6 IJAL 144 (2018).

expedite the evidence collection process, more often than not the parties should prefer document-based proceedings, while the hearing, if necessary, may be conducted precisely on telephone or video-conferencing. Further, any documentary evidence submitted by the parties or expert must not exceed a fixed number of pages than is necessary, except when the same is allowed by the tribunal.

With a similar purpose, Section 29A of the Act was incorporated.[36] In its present form, a time span of 12 months from the date of completion of pleadings is provided to render an award, which is extendable by 6 months when mutually agreed to by the parties and can further be extended by the Court on 'sufficient cause' being shown by the parties. However, it has been a cause of several untoward consequences. The consequence relevant for the present discussion is the requirement to approach the courts when a party wants to extend the proceedings beyond the period of 18 months. The inclusion of a court in this process to determine *sufficient cause* for permitting extension causes unnecessary delay in the arbitration proceedings. Heed must also be paid to the fact that the provision undermines the principle of party autonomy with the only exception of 6 months extension. Further, the confidentiality of the case is also compromised when the parties are required to place details of the arbitration proceedings before the court. The sensitive details of the proceedings become vulnerable to public exposure as a part of the Court record. This is contrary to the privilege of confidentiality envisaged under Section 42A of the Act.[37]

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[35] Arbitration and Conciliation Act, 1996, No. 26, Acts of Parliament, 1996 (India), §17.
[36]Arbitration and Conciliation Act, 1996, No. 26, Acts of Parliament, 1996 (India), §29.
[37]Arbitration and Conciliation Act, 1996, No. 26, Acts of Parliament, 1996 (India), §42 A.

Ensuring the time-boundness of an arbitral proceeding cannot come at the cost of other objectives that arbitration stands for. The impugned provision has left considerable scope for delays as well as posed hindrance to other avenues that arbitration provides to the parties. If we see the provision vis-a-vis the provisions in other jurisdictions, in the latter, the inherent nature of party autonomy has not been compromised for avoiding time delays. Under the Belgian Arbitration Act, Article 1713, does not impose any time limit upon the arbitrator(s) but leaves it upon the parties to determine the same.[38] However, in the absence of an agreement between the parties and passage of more than 6 months, the President of the Court of first instance, shall determine the time period on the application of either party. The provision draws a balance between party autonomy and the time-bound nature of the proceedings. India can draft a provision on similar lines, with a slight alteration to minimise judicial intervention in the time period for an extension. The same can be decided by an arbitral institution on the application of one of the parties. Also, while deciding upon the time limit, the institution must take into account the complexity of the issues, the number of arbitrator(s) and witness(es), and the volume of the material placed on record.

IV. CONCLUDING REMARKS

If India wants to debunk its image as a place where arbitration is merely a step prior to litigation, a robust arbitration framework following strict timelines along with providing ample scope for party autonomy is an

[38] Aayush Mehta and Samkit Jain, *Decoding time bound Arbitration in India: A closer look at Sec 29 A*, NUALS Law Journal (12 April 2020, 10:30 am), https://nualslawjournal.com/2020/04/12/decoding-time-bound-arbitration-in-india-a-closer-look-at-section-29a/, (last visited May 7, 2021).

ardent need. Making India arbitration-friendly by overcoming the above anomalies will also prove to be economically beneficial for the country. Foreign nationals will find it easier and will be encouraged to invest and conduct business in India owing to its time-bound and cost-effective dispute redressal mechanism. Albeit, the legislature, as well as the judiciary, have made constant efforts to make India an arbitration-friendly country, there still exist considerable lapses in the path of achieving that goal.

The aforementioned analysis highlights multiple facets during the post-pleading stage in an arbitration proceeding, which lead to excessive delays in the completion of proceedings. The delays caused have in effect undermined the purpose behind the introduction of arbitration. Thus, it is crucial that immediate measures are taken to do away with the current trends of delay and align the arbitration proceedings with its objective. The suggestions of the authors discussed during the course of analysis can help in improving the situation and in reaching the desired objective. The formation of the Arbitration Council of India ("ACI") through the 2019 Amendment, can prove to be an important step in this regard. The same should be made operative at the earliest. Additionally, on a general note, the practice of clubbing arbitration proceedings in cases involving similar questions of facts and/or law can help to significantly reduce the time of arbitration proceedings.