

# Courts can modify arbitral awards: SC

## One Judge On 5-J Bench Dissents

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**New Delhi:** Settling divergent judicial pronouncements on the scope of judicial interference in an arbitral award, a five-judge bench of Supreme Court on Wednesday said that to avoid protracted litigation, courts have powers to modify an award to sustain it by severing the 'invalid' portion from its 'valid' part rather than quashing it entirely.

A bench of CJI Sanjiv Khanna, CJI-designate B R Gavai and Justices Sanjay Kumar, K V Viswanathan and A G Masih was grappling with a long-standing grey area—when the Arbitration and Conciliation Act, 1996, does not expressly permit courts to modify or vary an arbitral award, should courts strike down awards even when it could be saved by minor modifications? Under Section 34 of the Act, a court can only strike down an award.

Writing the 37-page 4:1 majority judgment, CJI Khanna said, "We are of the opinion that modification represents a more limited, nuanced power in comparison to the an-



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**CJI SANJIV KHANNA**

nulment of an award, as the latter entails a more severe consequence of the award being voided in toto.”

“The limited and restricted power of severing an award implies a power of the court to vary or modify the award. It will be wrong to argue that silence in the 1996 Act, as projected, should be read as a complete prohibition,” he said. Justice Viswanathan penned a 130-page dissent and said courts do not have the power to modify an award as the parties had eschewed the path of litigation to go for arbitration.

CJI Khanna said, “We are thus of the opinion that the court can apply the doctrine of severability and modify a portion of the award while retaining the rest. This is subject to parts of the award being separable, legally and practically.”

The majority judgment said courts can also correct clerical, computational and typographical errors apparent in the

award and modify the post-award interest rate. CJI Khanna said striking down an award in its totality just because there was no agreement over rate of interest would cause grave prejudice to parties, who would then have to undergo a fresh round of arbitration.

“This limited power is significant, as it can help avoid further rounds of litigation. Without it, the court may be forced to set aside the entire award or order a fresh round of arbitration because of an erroneous interest rate rather than simply adjusting this rate,” the CJI said.

Referring to the extraordinary powers of SC under Article 142 of the Constitution, which enables it to pass any order for the purpose of doing complete justice, the five-judge bench sounded a caution and said this power must be exercised with great care and caution while dealing with arbitral awards.



# Saudi, Qatar urge India, Pak to defuse tensions

## Rubio Speaks To Sharif, Calls For Restraint

**New Delhi:** Amid the threat of a military conflict between India and Pakistan, there was renewed pressure from the international community on both countries to not escalate the situation, with important Gulf partners like Saudi Arabia and Qatar expressing concern about the rising tensions and urging both to resolve the situation through diplomatic means. Riyadh said it was also concerned about the continued exchange of fire along the border areas.

Gulf countries have remained in touch with both the Indian and Pakistani leadership in the past few days.

US secretary of state Marco Rubio called Pakistan PM Shehbaz Sharif and is reported to have called for restraint and de-escalation. Rubio was also expected to call foreign minister S Jaishankar late on Wednesday.

According to Business Recorder, Sharif criticised what he termed as India's "escalatory and provocative behaviour" and said such actions could undermine Pakistan's counter-terrorism ops. **TNN**

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Photo: PTI



Sara Khan with her 2-week infant at Attari-Wagah border. The POK resident has been living in India since 2017. 'I had a C-section, my stitches haven't healed, but I wasn't even given time to pack,' she said. Her plea to let her stay, citing her baby's Indian citizenship and her fragile health, went unheard

## PM TO SKIP RUSSIA, SEND RAJNATH

► Lt Gen Pratik Sharma will be **new chief of Army's Northern Command** in J&K, Air Marshal Narmadeshwar Tiwari will take over as IAF vice-chief

► Defence minister Rajnath Singh will represent India at Russia's Victory Day parade in Moscow on May 9. Russia had invited PM Narendra Modi

► **PM must not dilly dally**, must take exemplary action that acts as deterrent: Rahul

► **Indian Army asks Pak Army**

**to desist after it violates ceasefire** for 6th consecutive night **along LoC & IB**. Combing ops to flush out infiltrators

► J&K LG Manoj Sinha chairs meeting with security brass, directs them to **crush local support to terror perpetrators**

► **India bars Pakistan registered and operated aircraft**, including military planes, from its airspace effective April 30 midnight

**REPORTS: P 11 & 20**

## HC stops J&K cop & siblings' deportation

J&K HC halted Wednesday the deportation of a police head constable and his eight siblings to Pakistan, ruling they are prima facie residents of the UT, **reports Naseer Ganai**. Ifthkar Ali, who's been with J&K Police for 26 years, challenged the deportation notice in court and presented revenue documents to support his claim.

## Long-range limited strikes on table

As the PM-led CCS met Wednesday, among the military options being considered is the use of long-range weapons for limited punitive strikes against Pakistan without crossing LoC. "It won't be a knee-jerk response but a calculated, credible and calibrated one under the threshold of a full-fledged conflict," an officer said. **P 20**



# Ukraine poised to sign minerals deal with US

**Kyiv:** Ukraine said Wednesday it was poised to sign a minerals deal with the US imminently after months of sometimes fraught negotiations, although a source familiar with the matter said a last-minute snag had appeared.

Ukraine's PM said first deputy PM Yulia Svyrydenko was flying to the US to sign the deal, which is central to Kyiv's efforts to mend ties with Donald Trump and the White House as the US president tries to secure a peace settlement in Russia's war in Ukraine.

Two sources said the signing could happen later on Wednesday. But one source said the US was pushing Ukraine to sign two additional documents as well as the main minerals deal and that Kyiv felt it was not ready yet. "Who knows — maybe today they will take (those) two docs and finish them too," the source said. A draft of the main minerals agreement showed Ukraine had secured the removal of any requirement for it to pay back the US for past military

Reuters



**LAST-MINUTE SNAG?** US is reportedly pushing Ukraine to sign two additional documents as well as the main minerals deal and Kyiv feels it is not ready for it

assistance, something Ukraine had staunchly opposed.

Ukrainian officials hope that signing the deal promoted by Trump will help firm up softening American support for Kyiv in the more than three-year-old war. The draft agreement gives the US preferential access to new Ukrainian natural resources deals but does not automatically it a share of Ukraine's mineral wealth or any of its gas infrastructure. "Indeed, it is a strategic agreement... it is a truly equal, good international agreement on joint investments in the development and recovery of Ukraine," PM Denys Shmyhal said. REUTERS



# Air Marshal N Tiwari to take charge as Vice Chief of Air Staff tomorrow

NEW DELHI, Apr 30 (PTI)

Air Marshal Narmdeshwar Tiwari, currently serving as the Air Officer Commanding-in-Chief of the South Western Air Command, is set to take charge as the new Vice Chief of



the Air Staff on May 2.

He will succeed Air Marshal S P Dharkar, who superannuated on April 30. On day of his superannuation, the air marshal was given a guard of honour at the Air Headquarters -- Vayu Bhawan. He also paid tribute to the fallen heroes at the National War Memorial here.

In October 2024, Air Marshal Dharkar, an accomplished fighter pilot, had assumed charge as Vice Chief of the Air Staff. He had suc-

ceeded Air Chief Marshal A P Singh who is currently the Indian Air Force Chief. Air Marshal Tiwari will take charge as Vice Chief of the Air Staff on May 2, a senior official said.

He had taken over as AOC-in-C, South Western Air Command (SWAC) in Gandhinagar in May 2023.

He was commissioned in the fighter stream in June 1986. An alumnus of the National Defence Academy, he passed out as the President Gold Medallist.

Air Marshal Tiwari has flown various types of aircraft, and is a qualified flying instructor as well as an experimental test pilot, the Defence Ministry had earlier said in a statement.

The air marshal has rich field experience which also includes operational testing of various weapons and systems, primarily on the Mirage-2000.