

Arbitrator Appointments In Numbers :

Empirical Study of Court-Appointed
Arbitrators by the Supreme Court,
the High Court of Delhi and
the High Court of Bombay in 2025

OCTOBER 2026



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————— OCTOBER 2026 —————



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Overview

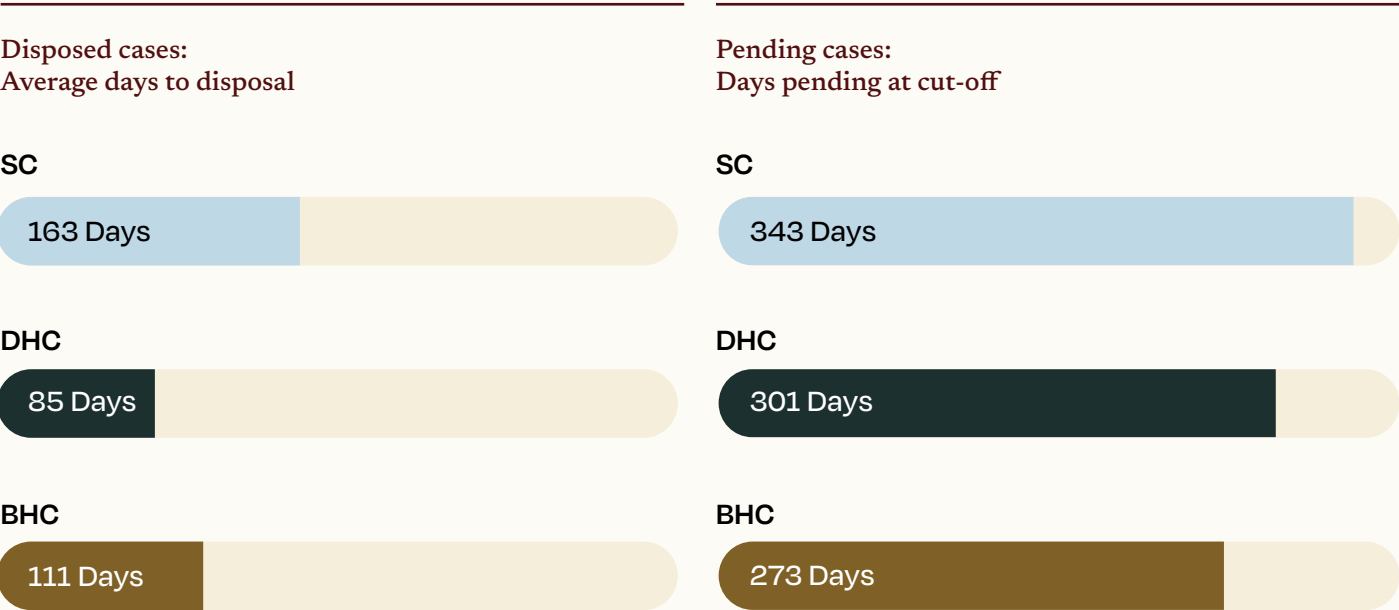


Executive Summary

This report presents an empirical analysis of appointment orders passed under Section 11 of the Arbitration and Conciliation Act, 1996 by the Hon’ble Supreme Court of India (SC), the Hon’ble High Court of Delhi (DHC) and the Hon’ble High Court of Bombay (BHC) for petitions filed in the calendar year 2025.

It analyses **3,688** unique cases, including 65 cases before the SC, 1,923 cases before DHC and 1,700 cases before BHC. It examines appointment patterns, arbitrator profiles, referrals to mediation and delays in disposing of the Section 11 applications.

The data reveals that although most of the cases culminated in an appointment, on average, disposal of the proceedings took over **163** days from the date of the first order in the SC, **85** days in DHC, and **111** days in BHC. The pending cases had remained pending for **343** days, **301** days and **273** days for the SC, DHC and BHC respectively. Notably, in the SC, two-thirds of cases were still undisposed six months after the first order, and nearly half remained pending at the cut-off date. The figures were substantially better for the two High Courts as elaborated in Section 8.1.

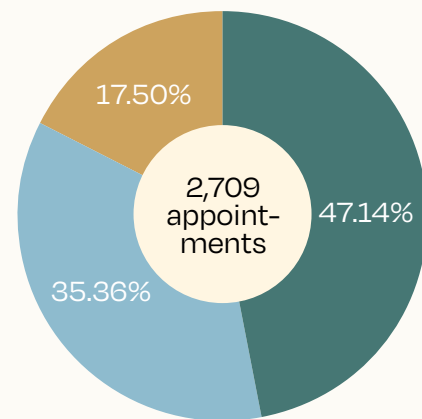


Illustrative layout. Both charts use a common scale of 0–365 days.

Importantly, many appointments did not involve a substantive contest over the arbitration clause. Of 2,709 appointments, 47.14% were made by consent, 35.36% were *ex parte*, and only 17.50% were contested. Yet the process does not presently distinguish adequately between these categories. This data creates a strong case for a differentiated procedural architecture under which consent and *ex parte* appointments are disposed of through an expedited administrative process, which may be overseen judicially, and judicial time is concentrated on contested applications.

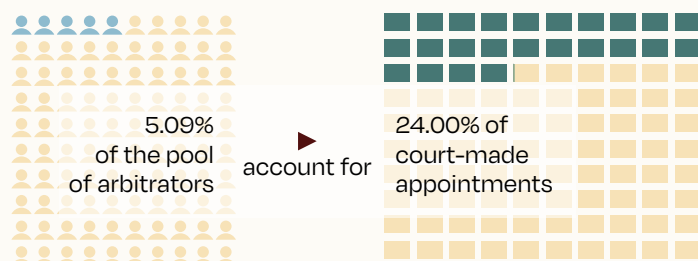
Consent,
Ex Parte and
Contested
Appointments

Contested
Ex parte
By Consent

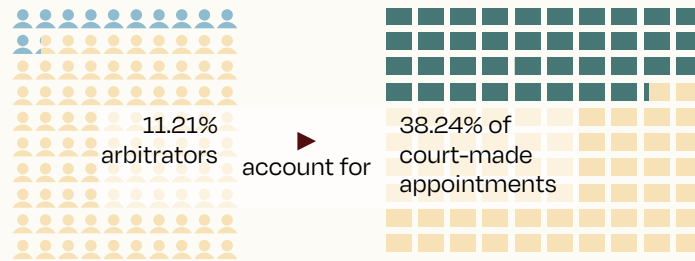


The data also reveals **significant concentration in the appointment of arbitrators**. Of 1,060 arbitrators appointed by courts, 54 arbitrators (5.09% of the pool) received seven or more appointments and accounted for 24.00% of all court-made appointments. The concentration is particularly pronounced at the BHC, where 11.21% of arbitrators received 38.24% of court-made appointments and one arbitrator received 34 appointments. While repeat appointments are not inherently improper, any concentration tends to reduce diversity in the pool of arbitrator appointments.

Overall share of arbitrators



Share at the Bombay High Court



AT BHC 1 arbitrator received 34 appointments.

The composition of the arbitral pool raises further concerns. Of 2,283 appointments for which gender was recorded, 70.03% were male and 29.97% were female. Professionally, 73.21% of appointments were of advocates, 23.73% were of retired judges, and only 3.10% were of technical experts. This professional concentration is also more pronounced at BHC, where technical experts only accounted for 1.43% of appointments. **The SC presents a sharper divergence where 88% of its recorded appointments were retired judges**, with no technical experts recorded. These findings point to the need for greater transparency and diversity in appointment pools.

Gender Split
(Of 2,283
appointments
where gender
was recorded)



Professional background

Advocates	Retired judges	Technical experts
73.21%	23.73%	3.10%

BHC Technical experts accounted for just 1.43% of appointments.

SC 88% of appointments were retired judges. No technical experts recorded.

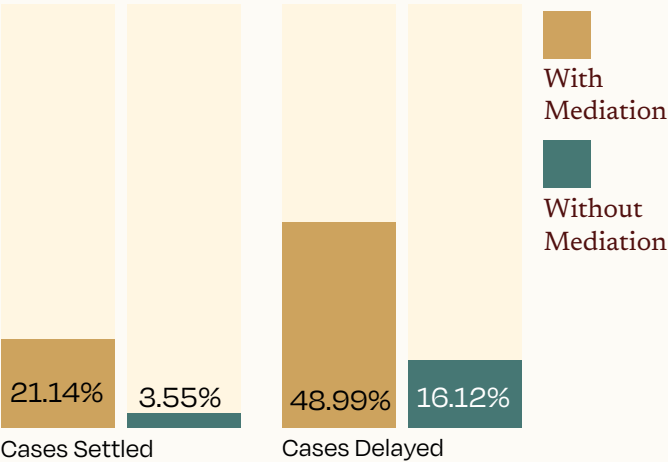
Finally, the report identifies a **speed-settlement trade-off**. Only 4.80% of cases were referred to mediation across courts, with BHC referring just 1.47% as opposed to 7.75% in DHC. In DHC, cases where mediation was employed at the stage of the Section 11 proceedings had a substantially higher settlement rate than unmediated cases (21.14% versus 3.55%) but were also considerably more likely to be delayed (48.99% versus 16.12%). At the same time, cases ending in appointment were disposed of considerably faster on average than cases ending in settlements.

The appropriate response is therefore not simply to increase mediation, but to create a short, structured settlement window that does not indefinitely postpone the constitution of the tribunal.

Cases referred to mediation

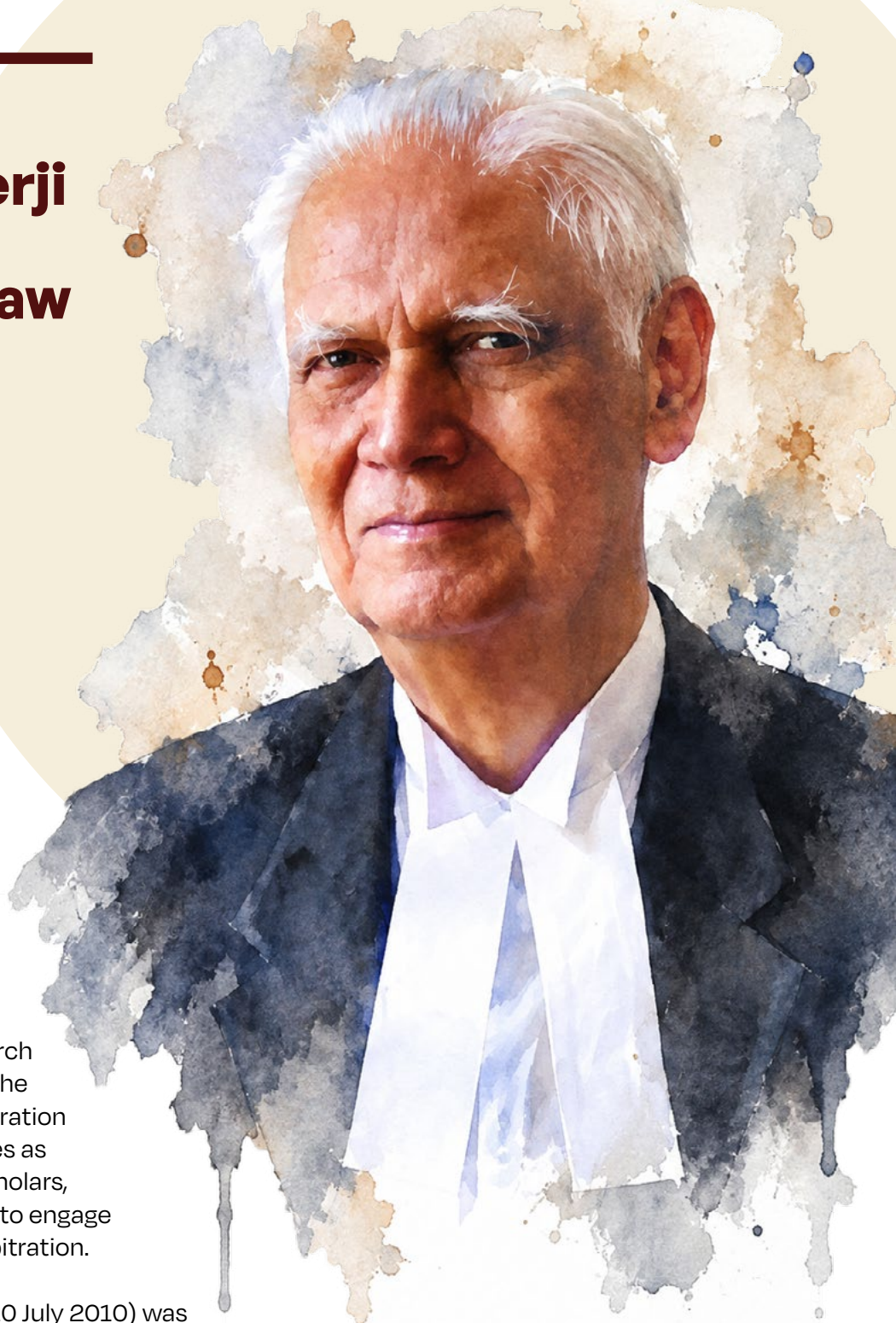
Across courts	BHC	DHC
4.80%	1.47%	7.75%

The speed-settlement trade-off at DHC



Taken together, the findings point towards a more differentiated and data-driven Section 11 appointment mechanism where routine appointments should be expedited; contested applications should receive judicial scrutiny; service of notice should be standardised; arbitrator selection should be more transparent and diversified; repeat appointments and caseloads should be monitored; and mediation should be available within a defined timeframe.

About the Milon K. Banerji Centre for Arbitration Law



The Milon K. Banerji Centre for Arbitration Law (MKBAC) at NALSAR University of Law, Hyderabad, is a dedicated research and training centre focused on the study and advancement of arbitration law and practice in India. It serves as a platform for students, legal scholars, practitioners, and policymakers to engage with contemporary issues in arbitration.

Milon Kumar Banerji (c. 1929 – 20 July 2010) was one of India's most distinguished jurists, known for his tenure as Attorney General of India from 1992 to 1996 and again from 2004 to 2009. He also served as Solicitor General of India from 1986 to 1989 and as Additional Solicitor General from 1979 to 1986, marking a long and influential career as a leading law officer of the country. Mr. Banerji played a significant role in shaping Indian arbitration jurisprudence through his appearances in landmark cases before the Supreme Court. Known for his independence and candour, he was also a respected international lawyer and served as a member of the Permanent Court of Arbitration at The Hague.

MKBAC seeks to contribute to the evolution of arbitration practices in India through rigorous academic engagement, empirical reports, and policy-oriented initiatives. By encouraging data-driven analysis, the Centre aims to bridge the gap between theory and practice in the arbitration landscape. The Centre is committed to promoting best practices, enhancing institutional capacity, and engaging with global developments in arbitration. Through its initiatives, including research projects, publications, training programmes, and collaborative engagements, MKBAC aspires to play a meaningful role in shaping a more efficient, transparent, and inclusive arbitration ecosystem in India.

About NALSAR University of Law, Hyderabad

NALSAR University of Law is a premier national law University and has consistently ranked among the top law schools in India in the NIRF rankings. What distinguishes NALSAR is its pedagogical approach, which offers flexibility and specialisation by allowing students to choose from a large number of in-house elective courses and visiting faculty courses. The University offers over 70 courses to students each semester. Additionally, the University boasts one of the largest numbers of active research centres in any college, providing practical education to students and contributing to research across every field of commercial and public law. The University prides itself on a vibrant moot and ADR culture, as evidenced by students' achievements in both national and international competitions.



Our Team

**Mr. Justice
Rohinton
Fali Nariman
[Retd.]**

Chair



Justice Rohinton Fali Nariman is a distinguished Indian jurist and former judge of the Supreme Court of India (2014-2021), widely recognised for his contributions to constitutional law and arbitration. Beginning his career at the Bar, he was designated a Senior Advocate and later served as Solicitor General of India before being directly elevated to the Supreme Court. Justice Nariman has played a key role in shaping modern arbitration jurisprudence in India, emphasising minimal judicial interference and alignment with international standards. His judgments have significantly strengthened India's position as an arbitration-friendly jurisdiction.

**Mr. Gourab
Banerji,
Sr. Adv.**

Donor & Patron



Gourab Banerji is a Senior Advocate practising before the Supreme Court of India with a leading practice in constitutional law, commercial litigation, and arbitration. An alumnus of the University of Cambridge, he has practised in India since 1990 and was designated Senior Advocate in 2003. He served as Additional Solicitor General of India from 2009 to 2014, representing the Union in significant cases. He regularly appears in domestic and international arbitrations and in matters concerning the enforcement of foreign awards.

**Mr. Ritin Rai,
Sr. Adv.**

Co-Chair



Ritin Rai is a Senior Advocate practising before the Supreme Court of India with a distinguished practice in commercial, regulatory, and arbitration disputes. His practice spans company, competition, insolvency, and telecommunications law, with regular appearances before the Supreme Court, High Courts, tribunals, and arbitral forums. He also acts as an arbitrator in proceedings under ICC, LCIA, SIAC, and ad hoc rules.

**Dr. Amit
George, Adv.**

Director [Research]



Dr. Amit George is an Advocate practising before the High Court of Delhi, with a broad practice spanning constitutional, commercial, and arbitration matters. He has appeared as counsel and amicus curiae in numerous cases before courts and tribunals, contributing to several reported judgments. He regularly appears in domestic and international arbitrations and has been appointed as an arbitrator by institutions including DIAC and MCIA. Dr. George is also an author and academic, holding degrees from NALSAR, the University of London, and NLU Delhi.

**Ms. Shreya
Parikh, Adv.**

*Associate Director
[Research]*



Ms. Shreya Parikh is an independent counsel practising across commercial law, securities regulation, arbitration, and public interest litigation. A graduate of NALSAR University of Law, she holds an LL.M. in Commercial Law from the University of Cambridge. She appears before the Supreme Court, Bombay High Court, SAT, and NCLT, and is empanelled with SEBI, representing it in complex financial and constitutional law matters. She has often been appointed as an arbitrator and also regularly appears in arbitration proceedings. Deeply interested in the conservation of environment and preservation of open spaces, she has appeared in several environmental and public interest litigation matters.

**Ms. Chand
Chopra,
Adv.**

*Associate Director
[Research]*



Ms. Chand Chopra is an Advocate practising before the High Court of Delhi and is a qualified Solicitor of England & Wales. A gold medallist from NALSAR University of Law, she began her career at Allen & Overy, with a focus on international arbitration. She now leads her independent chamber in Delhi, advising and appearing in civil, commercial, and arbitration disputes. She regularly appears before the Supreme Court, and the Delhi High Court, and before arbitral tribunals in domestic and international arbitrations. She has been appointed as a sole arbitrator by the Delhi High Court in multiple matters.

**Dr. Eluckiaa
Asaithambi**

*Faculty
Co-ordinator*



Dr. Eluckiaa Asaithambi is an Assistant Professor of Law at NALSAR University of Law, specialising in International Trade Law, International Investment Law, and economic regulation. Her PhD examined how to reconcile host-state regulatory autonomy with investor protection standards, and her research explores the relationship between investment protection and environmental governance and public health regulation. She has served as Project Director for a World Bank-sponsored project, and contributed policy research for the Ministry of Commerce and Department of Justice.

Research Scholars



Adishree Krishnan

Adishree is a final-year B.A., LL.B. (Hons.) student at NALSAR. She is a research assistant for international projects in dispute resolution and was also a member of the team that reached the quarterfinals at the 21st Willem C. Vis (East) International Commercial Arbitration Moot. She has also served on the board of the Indian Journal of Constitutional Law (IJCL).



Aditi Bhojnagarwala

Aditi is a final-year B.A., LL.B. (Hons.) student at NALSAR. Her interest in arbitration was piqued by her engagement with the subject through her internships, as well as her participation in the 31st Willem C. Vis International Commercial Arbitration Moot. In her free time, Aditi enjoys dancing and listening to Taylor Swift.



Arnav Mathur

Arnav is a final-year B.A., LL.B. (Hons.) student at NALSAR, with an interest in international arbitration, viewing arbitration as a transformative dispute resolution mechanism. He reached the quarterfinals at the 21st Willem C. Vis International Commercial Arbitration Moot and was a speaker for the Frankfurt Investment Arbitration Moot, 2025. He served as a research assistant on a Kluwer Practical Insights Project on Expedited Arbitration and has authored multiple articles on arbitration law.



Hamza Khan

Hamza is a final-year B.A., LL.B. (Hons.) student at NALSAR, who aspires to practise commercial litigation after graduation. His interest in arbitration developed through interning under various practitioners in the Delhi High Court and interning with the Disputes team of reputed law firms. He has authored multiple articles on Indian commercial law.



Mahika Roy

Mahika is a B.A., LL.B. (Hons.) graduate of NALSAR University of Law, currently serving as the Law Clerk to HMJ Surya Kant, Chief Justice of India. She developed an interest in arbitration through her participation in the 20th Willem C. Vis (East) International Commercial Arbitration Moot, where her team advanced to the Quarterfinals and she received recognition as the 8th Best Speaker. She has interned under various arbitration counsels and served as a Research Assistant to international arbitrators.



Manav Pamnani

Manav is a final-year B.A., LL.B. (Hons.) student at NALSAR and a budding company secretary, who is deeply interested in arbitration. Being an author of two books and multiple legal articles, he is proficient in research and writing. Manav was also part of the team that reached the quarterfinals at the 21st Willem C. Vis (East) International Commercial Arbitration Moot.



Zorawar Almeida

Zorawar is a final-year B.A., LL.B. (Hons.) student at NALSAR. His interest in arbitration deepened during the 21st Willem C. Vis (East) International Commercial Arbitration Moot, where his team reached the quarterfinals, and he earned an Honourable Mention for Best Speaker. He is currently a Research Assistant to arbitrators in Hong Kong and New Zealand for a project on Expedited Arbitration.

Technical Editors



Hruthika Addlagatta

Hruthika Addlagatta is a third-year B.A., LL.B. (Hons.) student at NALSAR. She has a budding interest in Arbitration Law and Intellectual Property Law. In her free time, she enjoys playing the violin and dancing. Other times, you'll find her nose in any book of fiction she gets her hands on.



Sukaina Naqvi

Sukaina Naqvi is a second-year B.A., LL.B. (Hons.) student at NALSAR with an interest in criminal law, public policy, and arbitration. Apart from law, she enjoys reading, listening to music, cats, and crosswords.

Introduction and Context

Arbitration has emerged as a central mechanism for the resolution of commercial disputes in India, particularly in light of increasing judicial recognition of party autonomy and the need for efficient and effective dispute resolution.

Over the past decade, legislative reforms and judicial pronouncements have sought to strengthen India's position as an arbitration-friendly jurisdiction and to align its arbitral framework with evolving international standards and best practices. The effectiveness of this framework, however, depends not only on the substantive legal rules governing arbitration but also on the manner in which those rules operate in practice.

Within this framework, the constitution of the arbitral tribunal represents a critical stage in the arbitral process. Section 11 of the Arbitration and Conciliation Act, 1996 (**Arbitration Act**) provides a mechanism for the appointment of arbitrators where parties are unable to constitute the tribunal in accordance with their arbitration agreement. Although arbitration is premised on party autonomy and limited judicial intervention, the courts continue to perform an important gatekeeping function where the appointment mechanism agreed upon by the parties fails or is not given effect. The manner in which courts exercise this function has implications extending beyond the appointment itself since unnecessary judicial intervention or procedural delay at this stage can postpone the commencement of arbitration, defeating one of the main objectives of arbitration, i.e., taking such disputes outside the judicial docket, and enhancing the efficiency of disposal of such matters.

The operation of Section 11 has consequently evolved alongside broader efforts to reduce judicial intervention in arbitration. Legislative reforms as well as judicial pronouncements have sought to confine the scope of judicial scrutiny at the appointment stage and facilitate the constitution of arbitral tribunals at the earliest opportunity.

Section 11 proceedings may also involve materially different procedural circumstances. Appointments may be made by consent, following a contest between the parties, or *ex parte*; proceedings may be resolved through appointment, withdrawal, dismissal, or settlement; and parties may in some cases be referred to mediation before the tribunal is constituted. These variations make the appointment stage an important site for examining how the statutory framework operates in practice.

Despite the importance of Section 11 proceedings, there remains limited empirical understanding of how courts exercise their appointment jurisdiction. Questions concerning the time taken to dispose of applications, the ratio of cases in which an arbitrator is appointed, the extent to which appointments are concentrated among particular arbitrators, the professional and gender composition of appointees, the role of arbitral institutions, and the use of mediation have received comparatively limited systematic empirical examination.

This report seeks to address this gap through a structured empirical study of Section 11 proceedings instituted during the calendar year 2025 before the SC, DHC, and BHC. By examining appointment orders and associated information from the respective court websites, the study analyses patterns in the manner and source of appointments, the professional and gender composition of appointed arbitrators, disposal timelines, procedural delays, institutional referrals and the use and outcomes of mediation. It also examines the extent to which these patterns differ across the three courts.

The findings provide an empirical basis for identifying areas in which greater efficiency, transparency, diversity and institutionalisation may be desirable, and for informing ongoing discussions on the future of arbitrator appointments and judicial intervention in arbitration in India.

Methodology and Limitations

Methodology

This study is based on an empirical analysis of appointment orders passed by the SC, DHC, and BHC for cases instituted during the calendar year 2025. The unit of analysis for the study is each individual order passed on applications filed under Section 11 of the Arbitration Act.

The researchers compiled data for the study from publicly available court records. For the SC and the DHC cases filed under the case category 'Arbitration Petition' or 'Arb. P.', while for the BHC applications under Section 11 filed under the case categories 'AS - Arb. Pet.', 'AS - Comm. Arb. Pet.', 'OS - Arb. Pet.', 'OS - Comm. Arb. Pet.', 'OS - Arb. App.' and 'OS - Comm. Arb. App.' were examined. The researchers reviewed and coded each order across a range of variables, including the date of filing and disposal, the time taken for adjudication, the nature of the appointment (consent, contested, or *ex parte*), and the final outcome of each application. Additional variables include the professional background and gender of the appointed arbitrator, the use of institutional rules, the referral of matters to mediation and the outcomes thereof, and the primary cause of delay in cases involving prolonged disposal. Where relevant, the researchers standardised categories to ensure consistency across courts.

For the purposes of analysing disposal timelines, the researchers calculated the time taken in each case as the difference between the date of the first order and the date of the final order. The researchers have excluded cases with incomplete or inconsistent data from specific calculations where necessary.

The study primarily adopts a descriptive statistical approach, while also undertaking limited comparative analysis across courts and categories in order to identify broader patterns and trends in arbitrator appointments. The analysis aims to identify patterns in the Section 11 appointment process rather than to establish causal relationships between particular procedural features and outcomes.

Limitations

This study is subject to certain limitations arising from the scope of data collection and the nature of court proceedings.

1 The dataset is based on a cut-off date of **30 June 2026**, which is six months after the last petition in the calendar year 2025 could have been instituted. This provides a complete six-month period within which matters instituted during 2025 could progress and therefore addresses the limitation that would arise from using an earlier cut-off date. However, it is possible that certain cases which were instituted in 2025, were disposed after 30 June 2026.

2 The identification of cases for the dataset relies on the year reflected in the (registered) petition number. In certain BHC cases, the matter is taken up and orders are passed on the lodging/stamp number itself which is a precursor to the registered number. When a petition or application is first filed, the Registry assigns it a lodging number, marked "(L)" in the case title on the Original Side and marked "(St.)", which stands for Stamp number on the Appellate side. The lodging number reflects the year of filing of the proceeding with the Registry. After the Registry clears the office objections, a registered number is provided. During the interim, the matter may be listed and heard, and orders may be passed, in case of urgency, on the lodging number.

In BHC, 209 cases have a first order dated prior to 2025 despite having petition numbers (registered) of the year 2025. In a number of cases in BHC, matters stayed on a lodging number from a year before 2025 for a considerable period, sometimes several years, and received a registered number only in 2025. For this dataset, all cases with a registered number from 2025 have been included, even where the orders in those cases carry a lodging number from an earlier year. This raises the possibility that the sample includes cases initiated or first dealt with before the relevant period though their registered numbers fall within 2025. Conversely, cases with a 2025 first order but registered numbers corresponding to a later year may have been excluded. Accordingly, the sample should not be understood as comprising only cases in which the first order was made during 2025 in the context of BHC.

3 With respect to the BHC dataset, while the majority of the appointments arose from applications filed under Section 11 of the Arbitration Act, the dataset also includes instances where an arbitrator was appointed at the conclusion of proceedings under Section 9, or as a substitute arbitrator under Sections 14/15 of the Arbitration Act. In several such cases, it was unclear whether the order had emerged exclusively from an application filed under Section 11 of the Arbitration Act, or was converted from, or was

ancillary to, a Section 9 proceeding. Accordingly, the BHC figures reported here reflect all arbitrator appointments captured within the case categories examined, and should not be read as strictly confined exclusively to appointments made under Section 11. This is a material qualification for the purposes of the delay (Section 7 of the Report) and disposal (Section 8 of the Report) analysis in particular, since the procedural posture, and therefore the expected timeline, for an appointment made under Section 9, or under Sections 14/15 of the Arbitration Act is likely to differ materially from that of a fresh Section 11 application.

- 4** The analysis of cases taking more than one year to dispose of is subject to a separate temporal limitation. Since the cut-off date is 30 June 2026, only cases instituted on or before 30 June 2025 could have completed a full year by the date of data collection. Accordingly, the analysis of matters taking more than one year is necessarily confined to petitions instituted during this period and does not extend to petitions instituted in the latter half of 2025.
- 5** The treatment of tagged or connected matters presents an inherent limitation. In several instances, multiple case numbers are listed together and disposed of through a common order, resulting in a single arbitrator appointment. For the purposes of data collection, researchers have treated such matters as a single unique matter. At the same time, there are instances where multiple cases between the same parties were instituted on the same day and resulted in the appointment of the same arbitrator but were not clubbed in the court records. The researchers have treated these as separate cases. This distinction follows the manner in which the matters are recorded in the court documents but may result in some differences in the number of cases and appointments reflected in the dataset.
- 6** The SC dataset is relatively small in comparison with the DHC & BHC datasets. Consequently, a relatively small number of additional cases or a change in the classification of even a few cases can produce a substantial change in the percentages reported for the SC. Readers should therefore interpret the SC findings with greater caution. The findings are intended primarily to identify indicative patterns rather than to support broad generalisations.
- 7** While the overwhelming majority of variables in the study are based on information expressly recorded in court orders, the identification of the primary cause of delay on a particular date involves a limited degree of subjective assessment. In cases involving prolonged disposal, the researchers have examined the procedural history and identified the principal apparent cause of delay, including factors such as notice or service, party conduct, mediation, or listing and court-related, and procedural processes. The precise characterisation of a particular adjournment or period of delay may, however, admit of slightly different interpretations by different researchers. This is the only substantive component of the study that involves such

subjective classification; the remaining variables are based, to the extent possible, on information objectively recorded in the court records.

- 8 The identification of settlements and mediation is necessarily dependent upon their being recorded in the relevant court order. Some petitions may have been withdrawn pursuant to a settlement without the court expressly recording that the withdrawal was settlement-related. The percentage of matters settled may therefore be marginally higher than that captured in the dataset. Similarly, parties may have engaged in mediation without the fact being recorded in the order, and the researchers cannot identify such instances through the present methodology.
- 9 There is a distinction between the number of cases in which the courts made an appointment and the number of arbitrators appointed through those cases. In certain matters, a multi-member arbitral tribunal was constituted, resulting in more than one arbitrator being appointed in a single case. Accordingly, "cases where appointment was made" and "appointees" are not to be treated as interchangeable.
- 10 Finally, certain classifications necessarily involve interpretation of the procedural record. In particular, where the judgment neither expressly records the parties' consent to the appointment of a particular arbitrator nor identifies or adjudicates upon any objection or challenge by the respondent, but nevertheless proceeds to appoint an arbitrator, the researchers have classified the matter as an appointment by consent. The researchers have adopted this approach to ensure consistency in coding across the dataset but may not capture instances where consent was implicit or where the absence of an objection resulted from circumstances not reflected in the order / judgment.

These limitations are inherent to empirical research based on publicly available court records and the researchers have accounted for them, to the extent possible, in collecting, coding and interpreting the data. The findings should, accordingly, be understood as an empirical account of the Section 11 proceedings reflected in the available judicial record, rather than as an exhaustive account of every event or interaction that may have occurred between the parties outside the court record.

Data Analysis

1. Case status

This section sets out the overall scale of the consolidated dataset and the current disposal status of the petitions filed in 2025 across the three courts.

3,688

Total number of Unique cases
instituted in 2025

The following is the current status of these cases across courts:

Case status, disposed and pending cases, by court and across all three courts

Court	Unique Cases	Pending		Disposed	
SC	65	31	(47.69%)	34	52.31%
DHC	1,923	194	(10.09%)	1,729	89.91%
BHC	1,700	48	(4.94%)	1,616	95.06%
All courts	3,688	603	8.38%	3,379	91.62%

The DHC & BHC account for 98.24% of the consolidated dataset (3,623 of 3,688 cases), and the consolidated disposal rate of 91.62% is largely a function of their throughput. The SC sits well outside that pattern: with 31 of its 65 unique cases still pending, its disposal rate of 52.31% is roughly forty percentage points below DHC & BHC.

The volumes are, however, small enough that a handful of disposals would move the SC figure materially, and comparisons to it throughout this Report should be read with that in mind.

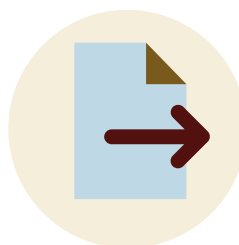
2. Modes of disposal

This section breaks down how the 3,379 cases that were disposed of as mentioned in the table above, were concluded, and, for the subset where an arbitrator was appointed, the nature of the judicial determination involved.

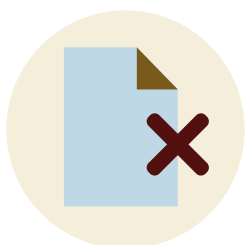
When a Section 11 petition is filed, it can end in one of four ways:



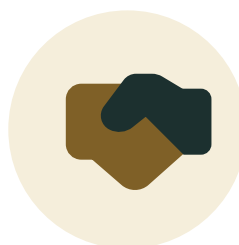
The court can **appoint an arbitrator**, which is the outcome the petition is actually seeking.



The petitioner can **withdraw** the case, often because the parties have separately resolved to proceed differently or the petition becomes infructuous.



The court can **dismiss** the petition, meaning it declines to make an appointment, typically because it finds no valid arbitration agreement or the claims are time barred or the petition is premature.



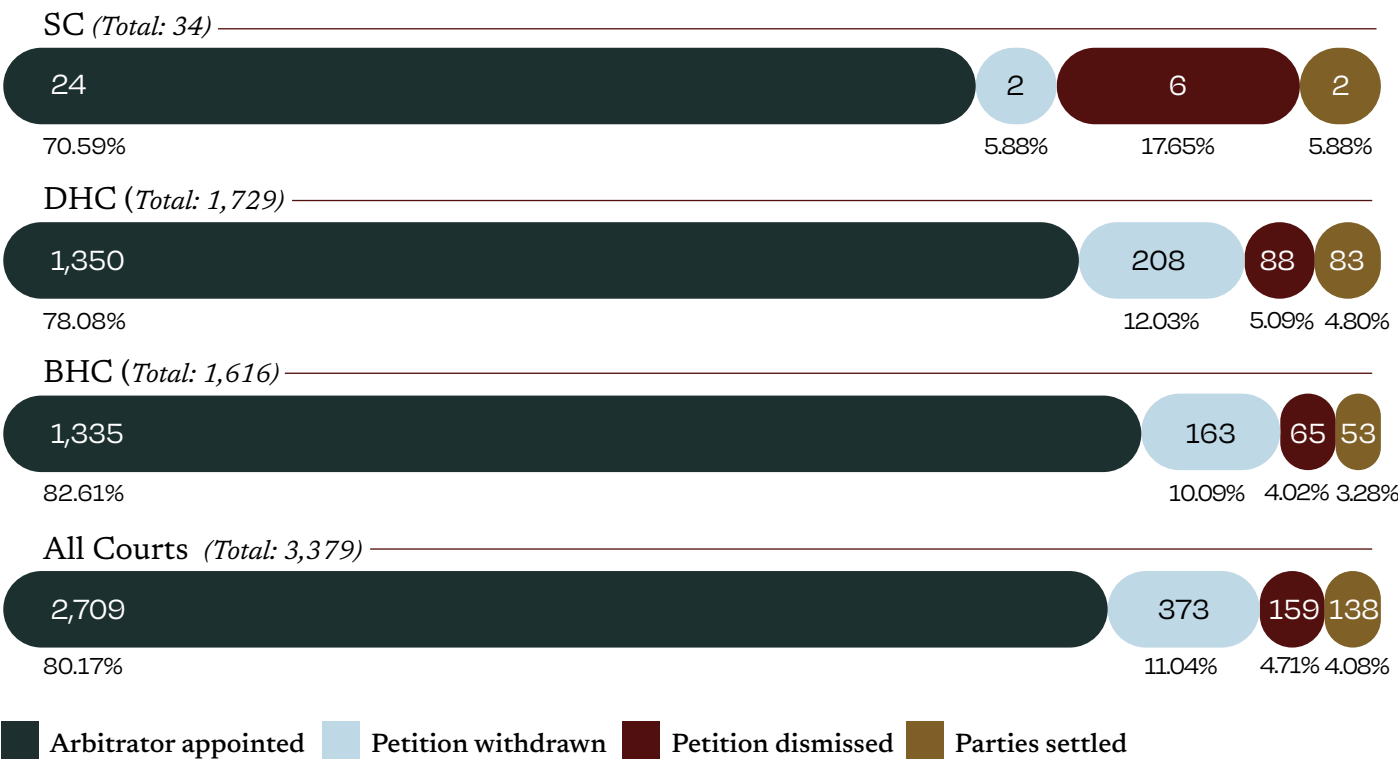
Or the parties can **settle** the dispute altogether, removing the need for arbitration entirely.

Understanding this breakdown matters because it shows how often courts actually exercise their appointment power versus how often petitions are resolved by other means.

A high dismissal rate, for instance, may point to petitioners approaching courts without a valid basis to invoke Section 11, while a high withdrawal or settlement rate may suggest that filing the petition itself prompts resolution outside the arbitral process. The figures below also allow these patterns to be compared across the three courts, showing whether one forum is markedly more inclined to dismiss or appoint than the others.

2.1 Outcome distribution

Modes of disposal, by court and across all three courts



Appointment of an arbitrator is the dominant outcome in every forum, 82.61% at BHC, 78.02% at DHC, and 70.59% at the SC. The difference is absorbed almost entirely by dismissals, which account for 17.65% of SC disposals against 4.02% and 5.09% in BHC & DHC respectively.

2.2 Nature of judicial determination in cases of arbitrator appointment

Where an arbitrator was appointed (2,709 cases), the determination took one of three forms:



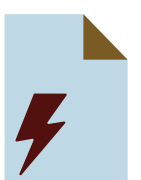
A consent appointment

is one where both parties agree on the arbitrator, or at least agree that an appointment should be made, leaving the court with little to adjudicate.



An *ex parte* appointment

happens when the respondent does not appear or does not participate in the proceedings, so the court proceeds and appoints an arbitrator without the benefit of the other side's position.

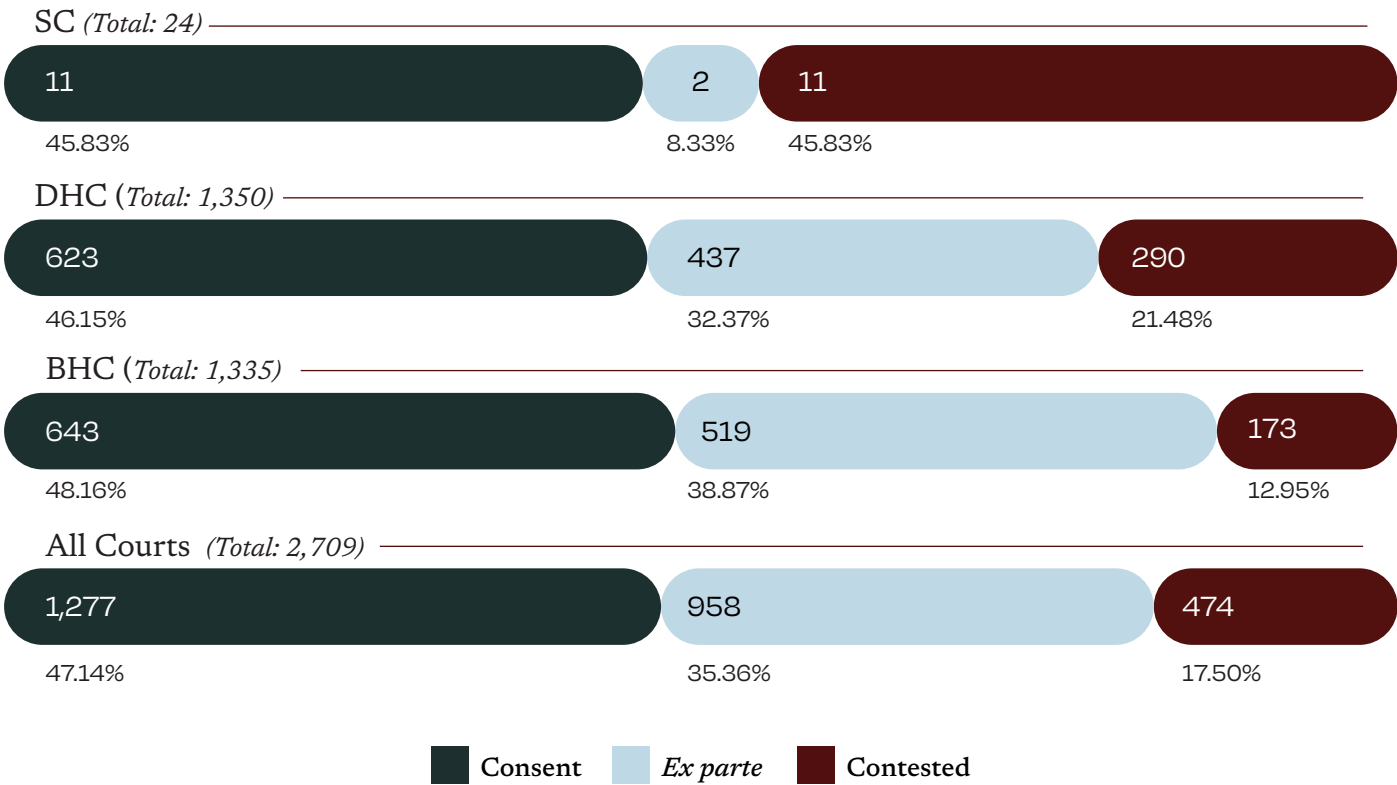


A contested appointment

is one where both parties actively argue the matter, typically disputing the existence or validity of the arbitration agreement, before the court decides.

This distinction matters because it reveals how much genuine judicial adjudication is actually happening at the appointment stage, since a proceeding resolved by consent or *ex parte* involves little real contest, while a contested proceeding is where courts are actually called upon to exercise judgment on live disputes. The figures below break down how these three modes are distributed across the three courts.

Nature of judicial determination, by court and across all three courts



The share of cases disposed by consent is remarkably stable across all three courts, sitting between 45.83% and 48.16%. What varies is how the remaining half of the caseload divides.

In DHC & BHC, the residual is dominated by *ex parte* determinations (38.87% at BHC, 32.39% at DHC), whereas at the SC *ex parte* disposal is around 8.33% and contested determinations rise to 45.83%. Nearly half of all Section 11 appointments in the consolidated dataset are therefore made by consent, and a further third are made without the respondent participating at all.

3. The arbitrator appointment process

This section looks at how the arbitrator was selected in the 2,709 cases where an appointment was made, and at the arbitral institutions referenced in the orders. When a court makes an appointment, it can either choose the arbitrator itself, drawing from its own panel or discretion, or it can hand the task over to an arbitral institution, which then names the arbitrator according to its own rules and roster. Alternatively, the court may itself appoint the arbitrator, and then refer the matter to an arbitral institution for future conduct of arbitration proceedings under the applicable rules of the institution concerned. This choice matters because it speaks to the degree of institutionalisation in the appointment process. The extent to which each court makes use of this option, and which institutions it turns to, is therefore a useful indicator of how far institutional arbitration has taken root in each forum.

3.1 Who selected the arbitrator

Who selected the arbitrator, by court and across all three courts

Selected by	SC	DHC	BHC	All courts
Court	23 (95.83%)	1,280 (94.81%) ¹	978 (73.26%)	2,281 (84.19%)
Arbitral institution	1 (4.17%)	70 (5.19%)	357 (26.74%)	428 (15.81%)
Total	24	1,350	1,335	2,709

This is the biggest institutional divergence in the data analysed. The BHC delegated the selection of arbitrator to an arbitral institution in more than a quarter of its appointments (26.74%), spread across seven institutions. The DHC did so in 5.19% of cases and only ever to DIAC; the SC did so only in a single case.

3.2 Reference to arbitral institutions

Institutional references can take slightly different forms, and the data captures this distinction. In some cases, a court refers the actual task of appointment to an institution, meaning the institution names the arbitrator. In other cases, the court appoints the arbitrator itself but does so under, or with reference to, a particular institution's rules, meaning the institution's procedural framework governs the arbitration even though it did not make the appointment. Both forms indicate a degree of institutional involvement in the arbitration, but they are not identical, since the first reflects a transfer of the appointment function itself, while the second reflects reliance on institutional procedure alone. The figures below record both types of reference, court by court, and show which institutions are most frequently relied upon in each forum.

¹ Of the DHC's 1,280 court-selected appointments, 9 cases involved the Court directing the parties themselves to nominate the arbitrator, rather than the Court making the appointment directly. Given the small number of such cases, and since the SC and BHC data do not separately record instances of this kind, these cases have been clubbed with court-selected appointments rather than shown as a distinct category.

Irrespective of the formulation adopted to appoint the arbitrator, it bears mention that even the conduct of an arbitration under institutional rules is a welcome step towards institutionalisation of the process and a move away from the traditional *ad-hoc* arbitration process.

SC: In 3 of its 24 referrals, the Court made a reference to arbitral institutions

Institution	Referrals	% of arbitrator-appointment cases
Delhi International Arbitration Centre (DIAC)	1	4.17%
Singapore International Arbitration Centre (SIAC)	1	4.17%
Indian Council of Arbitration (ICA)	1	4.17%
Total	3	12.50%

BHC: In 357 of its 1,335 appointment cases, the court referred the matter to an arbitral institution to make the appointment:

Institution	Referrals	% of institutional references	% of all BHC Appointments
Presolv360	153	42.86%	11.46%
ADReS Now	99	27.73%	7.42%
Mumbai Centre For International Arbitration (MCIA)	56	15.69%	4.19%
ILS Centre for Arbitration & Mediation, Pune	30	8.40%	2.25%
ResolveX	17	4.76%	1.27%
Setlen Arbitration & Dispute Resolution Forum	1	0.28%	0.07%
Council for National & International Arbitration (CNICA)	1	0.28%	0.07%
Total	357	100%	26.74%

DHC: Although the DIAC was asked to appoint an arbitrator in only 70 of 1,350 (5.19%) cases, the DIAC Rules were referenced in 1,072/ 1,350 (79.39%) cases [1,350 being the number of cases that culminated in appointment at the DHC.]

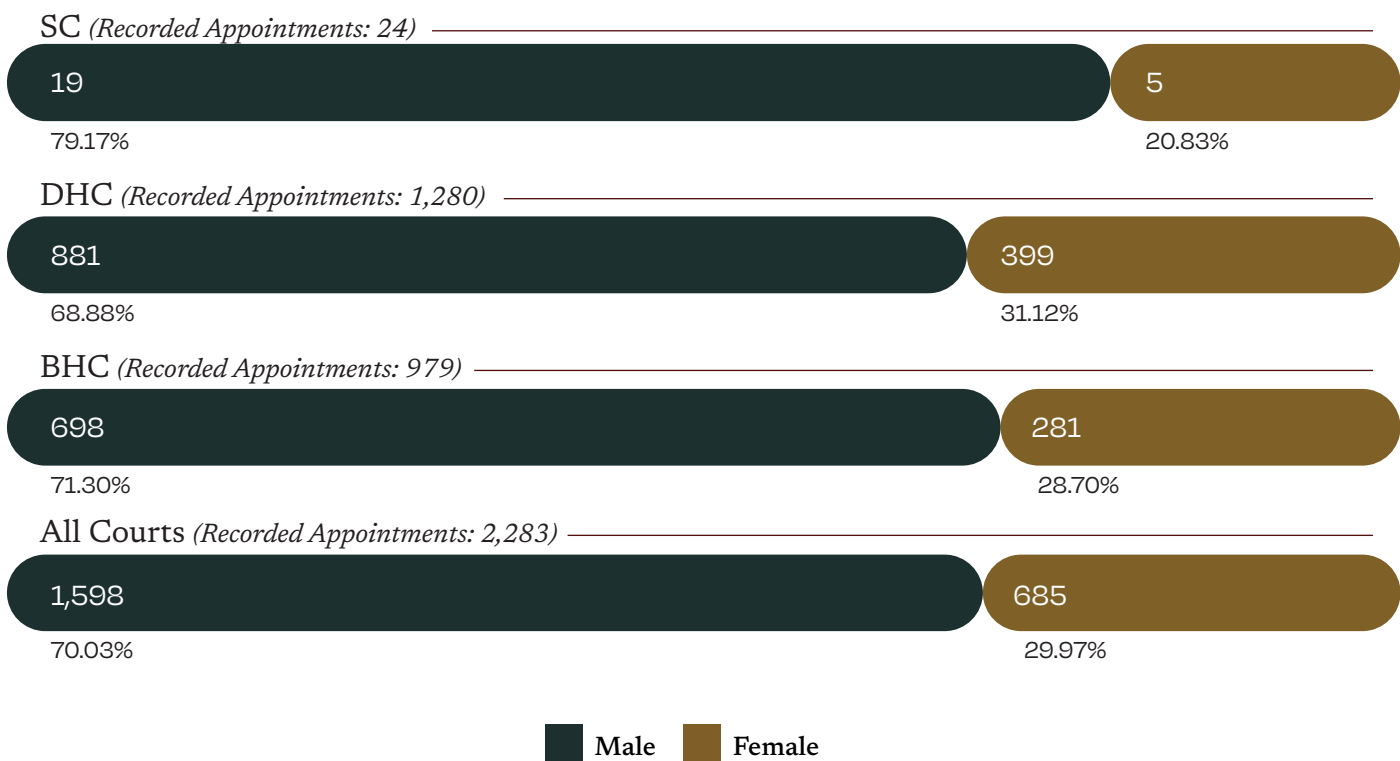
4. Arbitrator profile

This section profiles the individuals appointed as arbitrators, by gender and by professional background. These two measures matter for different reasons. The gender breakdown speaks to how diverse the pool of appointees is, and whether the appointment process, whether exercised by courts or delegated to institutions, is drawing from a representative cross section of available arbitrators. The professional background breakdown speaks to a different question, namely who courts trust with these disputes: whether they favour advocates with subject matter expertise, retired judges with adjudicatory experience, or technical experts suited to specific disputes. Taken together, these figures offer a picture of who actually sits as arbitrator once a court exercises its appointment power, and whether that picture varies meaningfully across the three forums.

4.1 Gender

Gender was reflected in 2,283 appointment orders across the three courts. Roughly seven in ten recorded appointments went to men in every forum. The spread between BHC & DHC is narrow (71.30% and 68.88% male respectively), and the SC figure of 79.17% rests on only 24 appointments, where a shift of two or three appointments would close most of the gap.

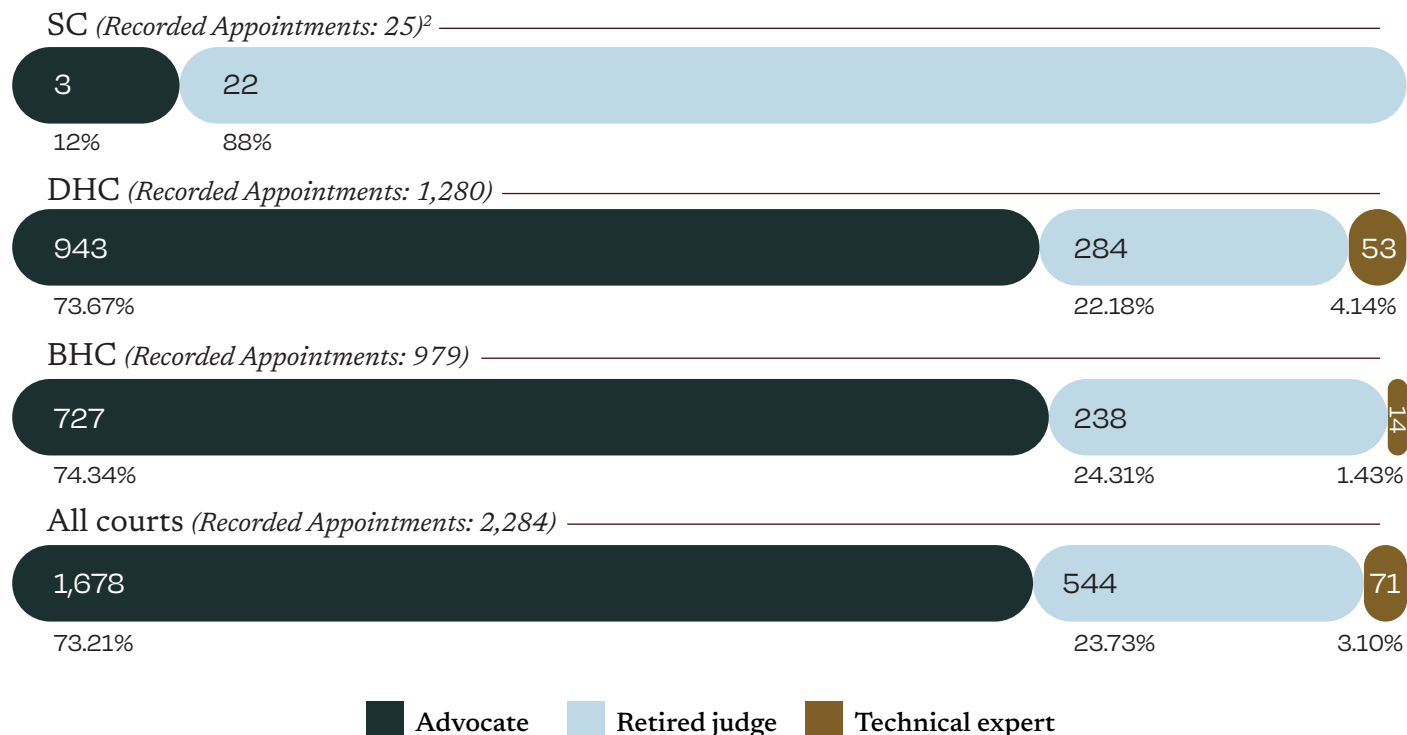
Gender of arbitrators appointed, by court and across all three courts



4.2 Professional background

Professional background was recorded for 2,284 appointment orders across the three courts.

Professional background of arbitrators appointed, by court and across all three courts



The DHC & BHC are close to identical on this measure. Advocates take roughly three-quarters of appointments and retired judges roughly a fifth to a quarter. The SC inverts the pattern almost completely, with retired judges taking 88% of its recorded appointments and advocates 12%. Technical experts remain a marginal category everywhere, though DHC uses them at three times the BHC rate (4.14% against 1.43%).

²The reason why professional background is recorded for 25 appointees of the Supreme Court while gender is only recorded for 24 appointees is that in one case, the Court asked ICA to appoint the arbitrator, "who is a retired judge of this Court" which allowed us to identify the professional background of the arbitrator but not the gender.

5. Repeat appointments

This section examines how concentrated arbitrator appointments are among the pool of individuals appointed. Across the three courts, 2,283 appointments were made by the courts themselves across 1,060 distinct arbitrators. Concentration matters because it shows whether appointment power is being spread across a wide pool of arbitrators or whether it repeatedly falls on a small set of individuals. A high degree of concentration can raise concerns about the diversity of the arbitrator pool, the barriers faced by newer or lesser known practitioners in being appointed, and the extent to which repeat appointments create dependence between arbitrators and the courts that appoint them. Conversely, a wide spread of appointments across many distinct individuals suggests a broader and more accessible pool. The figures below break this down first by looking at how appointments are distributed across arbitrators overall, and then by comparing the degree of concentration across the three courts.

5.1 Distribution of appointments received

Distribution of appointments received,
across all three courts

Appointments received	Arbitrators	% of arbitrators	Appointments accounted for	% of appointments
1	658	62.08%	658	28.82%
2	150	14.15%	300	13.14%
3	93	8.77%	279	12.22%
4-6	105	9.91%	498	21.81%
7+	54	5.10%	548	24.00%
Total	1,060	100%	2,283	100%

By court:

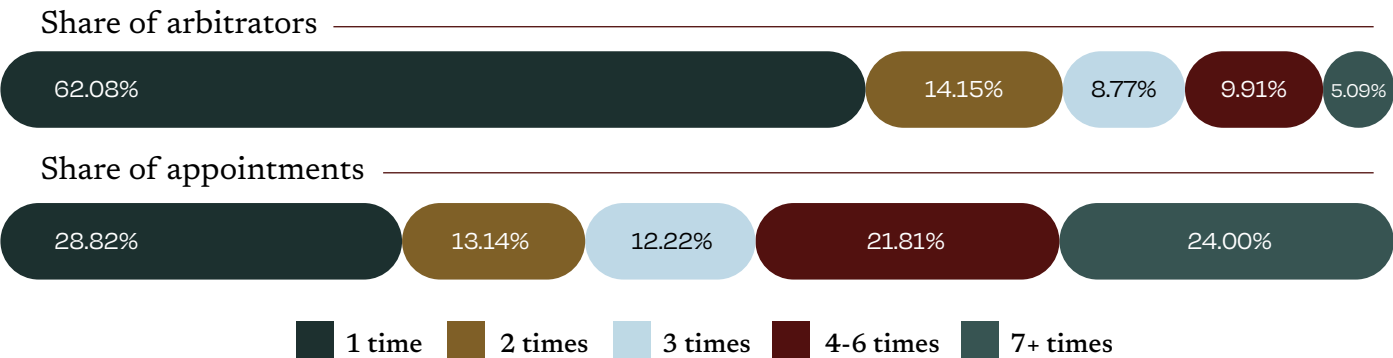
Court appointments, distinct arbitrators
and appointments per arbitrator, by court

Court	Court appointments	Distinct arbitrators	Appointments per arbitrator
SC	23	23	1.00
DHC	1,271	709	1.79
BHC	989	328	3.02

5.2 Concentration of appointments

Comparing each tier’s share of the arbitrator pool against its share of total appointments shows how disproportionately appointments are concentrated among repeat appointees:

Share of arbitrators vs. share of appointments,
by appointment-count tier



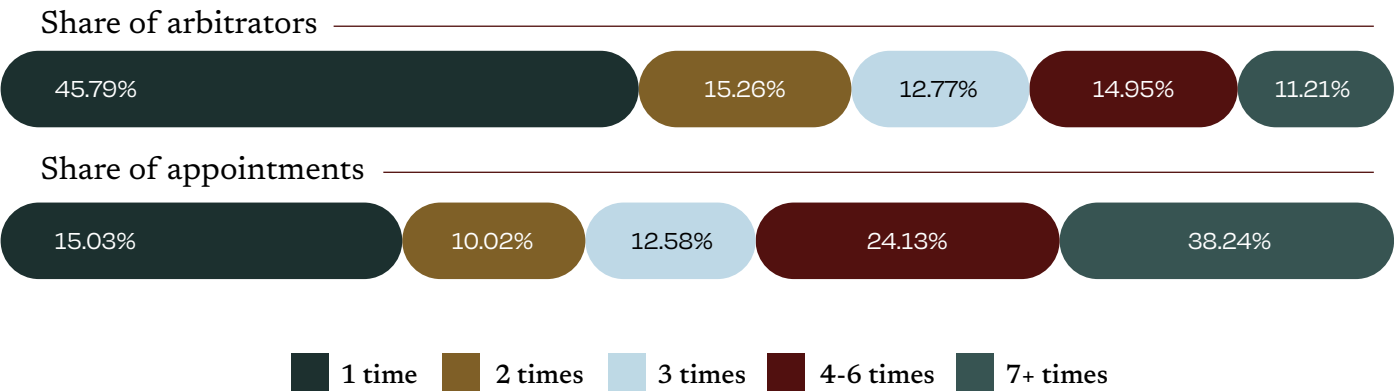
Across all three courts, 62.08% of arbitrators (658 individuals) received a single appointment and account for 28.82% of appointments made. At the other end, the 5.09% of arbitrators (54 individuals) were appointed seven or more times and account for 24.00% of all appointments.

In other words, roughly one in 20 arbitrators received nearly a quarter of all court-made appointments. That consolidated figure conceals a real difference between DHC & BHC, which is why the concentration charts are reproduced below. At BHC, 11.21% of arbitrators took 38.24% of appointments; at DHC, 2.54% of arbitrators took 13.51%. On the other side of the distribution, single-appointment arbitrators make up 45.79% of the BHC pool but 67.98% of the DHC pool. The BHC appointment pool is, therefore, on every measure, the more concentrated of the two.

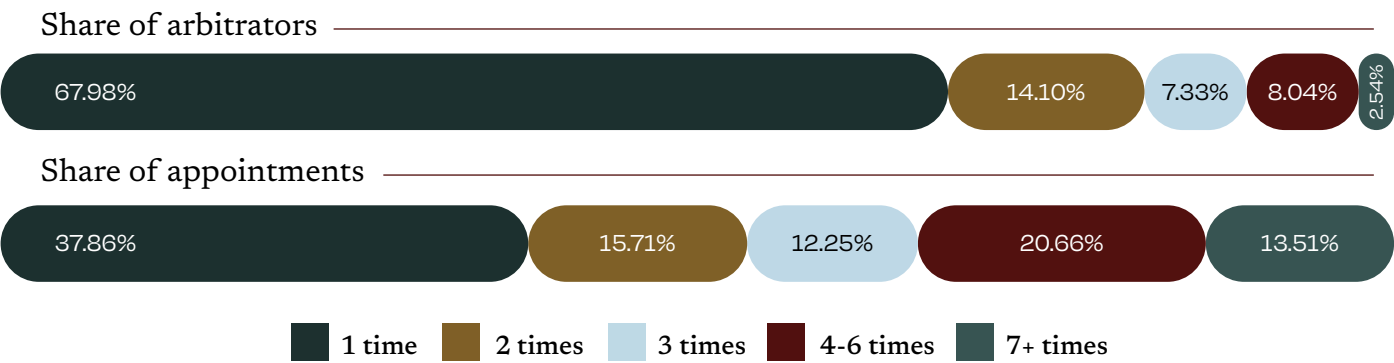
Concentration of appointments, Delhi and
Bombay High Courts compared

Measure	DHC	BHC
Arbitrators appointed once	67.98%	45.79%
Share of appointments they hold	37.86%	15.03%
Arbitrators appointed 7+ times	2.54%	11.21%
Share of appointments they hold	13.51%	38.24%

Bombay High Court: share of arbitrators vs. share of appointments



Delhi High Court: share of arbitrators vs. share of appointments



5.3 Most-appointed arbitrators

Because an individual may appear in more than one court’s dataset, the most-appointed arbitrators are set out court by court rather than as a single ranked list. Names have been anonymised in this report, so the tables below identify each arbitrator only by the number of appointments, professional background, and gender rather than by name for each court. This is because the purpose of the exercise is not to single out individual arbitrators but to illustrate the extent to which appointments cluster at the top of the pool, and what kind of professional background dominates that cluster.

BHC: Arbitrators appointed in 7 or more unique cases arising out of petitions filed in 2025:

Name of the arbitrator (anonymized)	No. of appointments	Professional background	Gender
***	34	Retd. Judge	Male
***	18	Retd. Judge	Male
***	15	Retd. Judge	Male
***	14	Advocate	Male
***	14	Retd. Judge	Male
***	13	Retd. Judge	Female

Name of the arbitrator (anonymized)	No. of appointments	Professional background	Gender
***	13	Advocate	Female
***	13	Advocate	Female
***	12	Advocate	Female
***	12	Retd. Judge	Male
***	11	Retd. Judge	Female
***	11	Advocate	Male
***	11	Advocate	Male
***	11	Advocate	Male
***	10	Advocate	Female
***	10	Retd. Judge	Male
***	10	Advocate	Male
***	9	Advocate	Male
***	9	Advocate	Male
***	9	Retd. Judge	Female
***	8	Advocate	Male
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***	7	Retd. Judge	Female
***	7	Advocate	Male
***	7	Advocate	Female
***	7	Advocate	Male
***	7	Advocate	Male
***	7	Advocate	Male
***	7	Advocate	Female

DHC: Arbitrators appointed in 7 or more unique cases arising out of petitions filed in 2025:

Name of the arbitrator (anonymized)	No. of appointments	Professional background	Gender
***	19	Retd. Judge	Female
***	14	Advocate	Male
***	13	Retd. Judge	Male
***	13	Retd. Judge	Female
***	10	Retd. Judge	Male
***	10	Retd. Judge	Male
***	10	Advocate	Male
***	9	Retd. Judge	Male
***	9	Advocate	Male
***	8	Retd. Judge	Female
***	8	Advocate	Female
***	7	Advocate	Male
***	7	Advocate	Male
***	7	Retd. Judge	Male
***	7	Advocate	Female
***	7	Advocate	Female
***	7	Advocate	Female
***	7	Advocate	Male

SC: No arbitrator was appointed more than once among the cases in the SC dataset.

The single most striking feature of the two lists is the gap at the top. The most-appointed arbitrator at BHC received 34 appointments in a year, nearly double the DHC maximum of 19, and the top three BHC appointees between them hold 67 appointments against 46 for the top three at DHC, from a smaller total pool of court-made appointments. Notably, the most appointed arbitrators at both the DHC and the BHC were retired judges who had served at the respective High Courts.

Amongst the most appointed arbitrators, i.e., arbitrators who were appointed seven or more times, in the BHC, retired judges were 33.33% of the appointees, while at the DHC, retired judges were 8 of the 18 most appointed arbitrators, i.e., 44.44%.

Professional background of arbitrators
appointed seven or more times

Professional background	BHC	DHC	Both courts
Advocate	24 (66.67%)	10 (55.54%)	34 (62.96%)
Retired judge	12 (33.33%)	8 (44.44%)	20 (37.04%)
Arbitrators appointed	36	18	54

In terms of gender of the most appointed arbitrators, both the High Courts fare similarly, with BHC appointing 36.11% female arbitrators, and the DHC appointing 38.89%.

Gender of arbitrators appointed seven or
more times

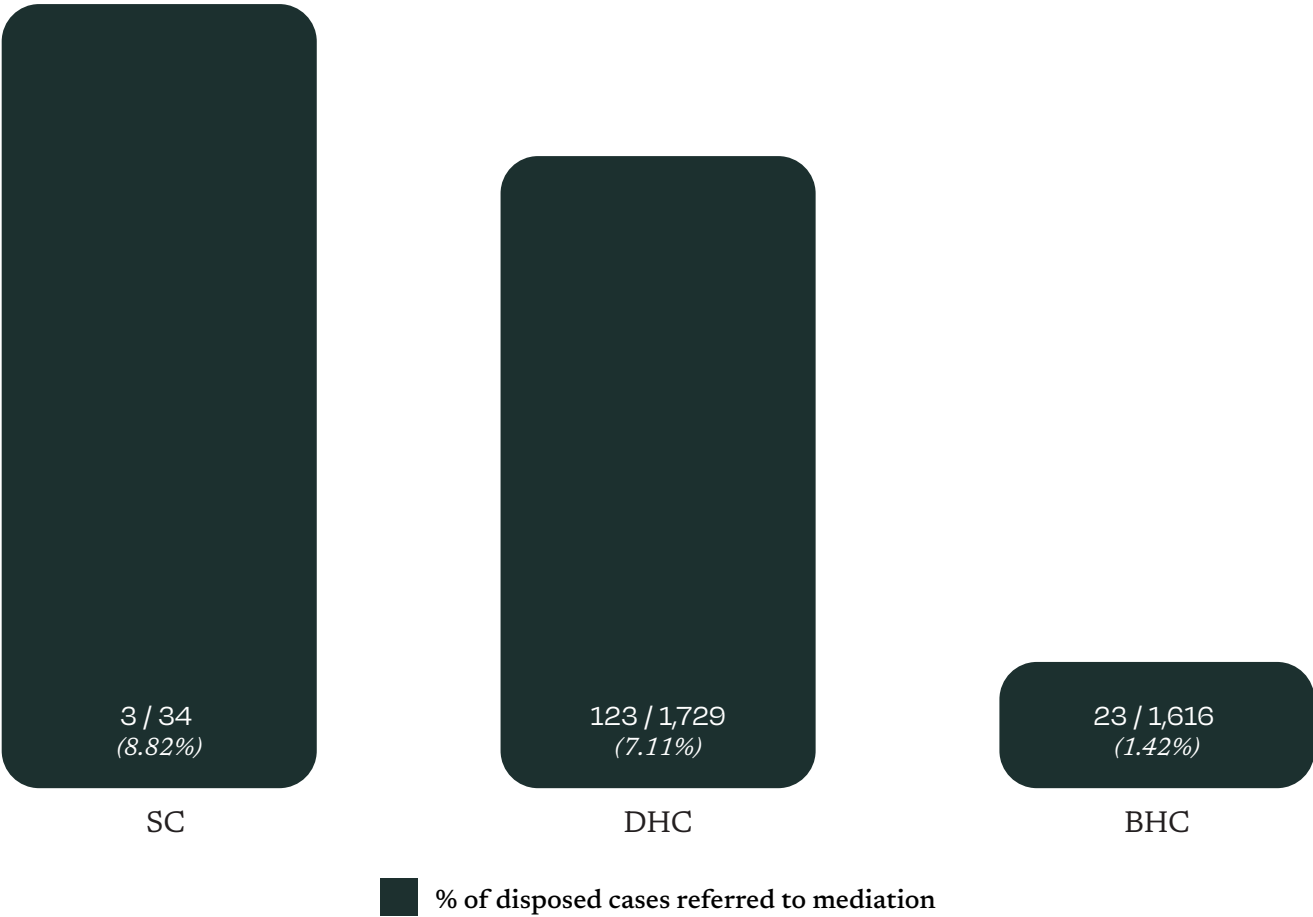
Gender	BHC	DHC	Both courts
Male	23 (63.89%)	11 (61.11%)	34 (62.96%)
Female	13 (36.11%)	7 (38.89%)	20 (37.04%)
Arbitrators appointed	36	18	54

6. Mediation

This section examines how often matters were referred to mediation, and whether mediation is associated with a higher settlement rate. Mediation can enter a Section 11 proceeding when the court, instead of or before appointing an arbitrator, directs the parties to attempt to resolve the dispute through mediation or when the Parties themselves request that the matter be deferred pending mediation. Tracking how often this happens matters because it shows whether courts are actively using mediation as an aid to resolve commercial disputes or whether it remains a rarely used option. Just as important is whether mediation actually works when it is tried, which is why this section also looks at whether cases referred to mediation are more likely to end in a settlement than cases where mediation was never attempted. Read together, the referral rate and the settlement outcome offer a sense of both how much courts rely on mediation at this stage and how effective that reliance actually is.

6.1 Referral rates

Rate of referral to mediation

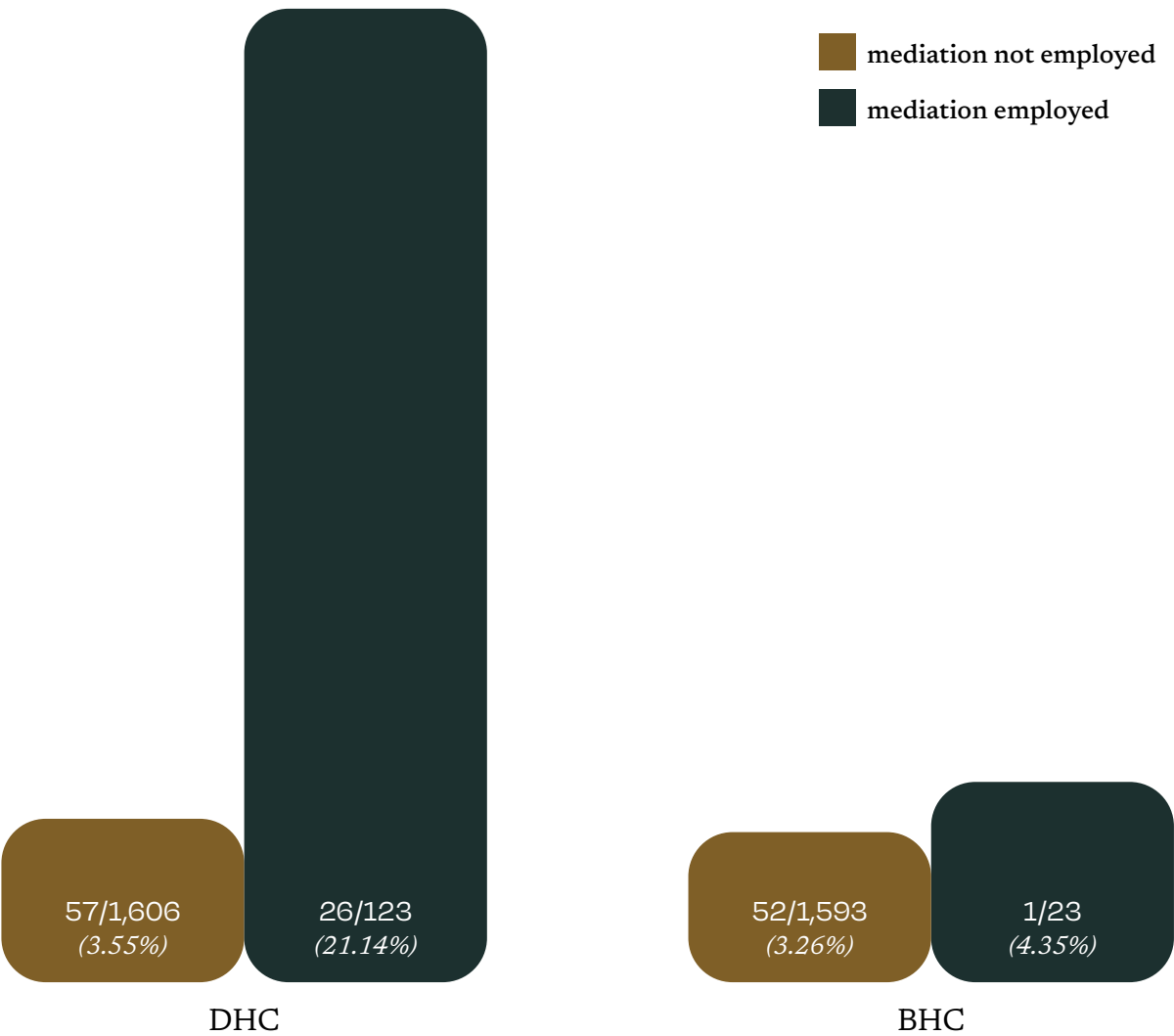


Referral to mediation is uncommon in absolute terms everywhere, but the DHC refers at more than five times the BHC rate (7.75% against 1.47% of all cases). Because DHC accounts for 149 of the 177 referrals in the consolidated dataset, the all-courts rate of 4.80% is substantially a DHC figure and should not be read as a common practice across the three fora.

6.2 Settlement outcomes and mediation

Among the cases which were disposed, the settlement rate differs depending on whether mediation was employed. The SC cases referred to mediation did not yet reach an outcome, and hence have been excluded from analysis, so the consolidated figures below are drawn from the DHC & BHC only.

Settlement rate by mediation status,
Delhi and Bombay High Courts



On the DHC data, which carries almost all of the weight here, mediated cases settle at roughly six times the rate of unmediated ones (21.14% against 3.55%). The unmediated settlement rate is meanwhile almost identical in both courts, at 3.26% and 3.55%.

7. Delay in disposal

The report treats a case as delayed where more than 6 months elapsed between the first and the final order (or, for pending cases, more than 6 months have elapsed since the first order). This section reports overall delay rates, how delay relates to mediation, the outcome, and the position of the parties, and the recorded reasons for delay.

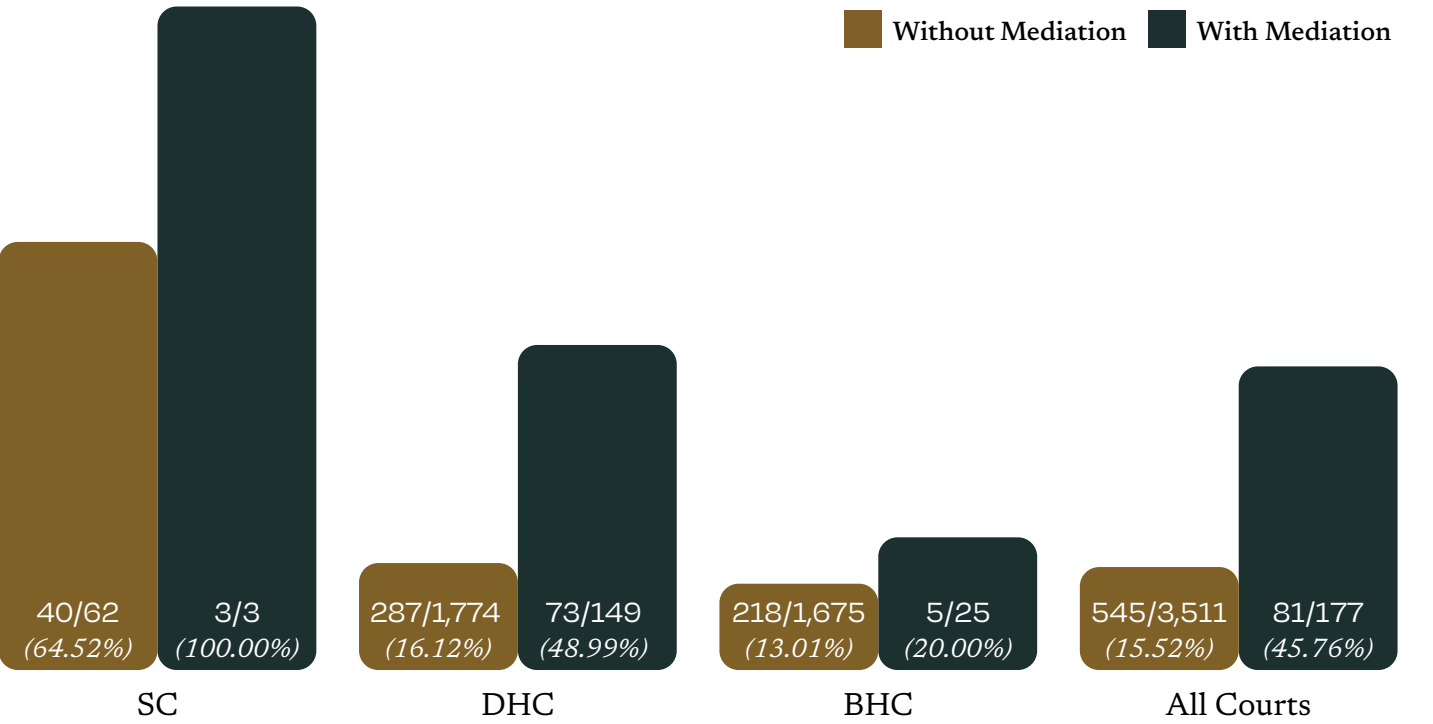
Timely disposal is one of the central requirements of Section 11. Any Section 11 proceeding that is protracted defeats the purpose of speedy resolution of commercial disputes as opposed to ordinary litigation. To understand where delay comes from, each order in a delayed case has been attributed to one of five categories namely listing and court related delays, the parties, notice and service, mediation and settlement, or procedural delay. The basis for each of these categories is explained in detail in Section 7.3. Together, these categories make it possible to see not just how much delay exists, but who or what is responsible for it, and whether that responsibility looks different across the three courts.

7.1 Delay rates

Delayed cases and unique cases, by court and across all three courts

Category	SC	DHC	BHC	All courts
Total delayed cases	43	360	223	626
Unique cases	65	1,923	1,700	3,688
Delay rate	66.15%	18.72%	13.12%	16.97%

Delay rate by mediation status:



The DHC & BHC are close on the headline measure, at 18.72% and 13.11%. The SC is an outlier at 66.15%.

The relationship between mediation and delay runs in the same direction in every court, but with very different force.

At BHC, a referral to mediation raises the delay rate to 20.00%; at DHC, it raises it to 48.99%. Read alongside Section 6.2, and considering the larger dataset of DHC where cases were referred to mediation, it shows that mediation there is associated with both a materially higher settlement rate and a materially longer time to disposal.

7.2 Hearings in delayed cases

The averages below are derived by dividing total hearings by total delayed cases analysed.

Hearings in delayed cases,
by court and across all three courts

Measure	SC	DHC	BHC	All courts
Delay cases analysed	43	361	223	627
Total hearings	175	2,417	1,772	4,364
Average hearings per case	4.07	6.70	7.95	6.96
Number of days for disposal of delayed cases	320.15	276.86	448.83	

Note:

- Since the dataset includes a large number of pending cases, further hearings and additional days are likely to accrue before their eventual disposal. Accordingly, the figures for both the number of hearings (including hearings per case) and the number of days taken for disposal are provisional, and the actual figures upon disposal are likely to be higher.

The average number of hearings per delayed case is substantially lower at the SC (4.07) than at the DHC (6.70) and BHC (7.95). This is particularly significant when considered alongside the average duration of delayed cases: SC cases take an average of 320.15 days, compared with 276.86 days at the DHC and 448.83 days at the BHC. Thus, although delayed cases at the SC take longer than those at the DHC, they involve considerably fewer hearings, which implies that hearings in delayed SC cases are spaced further apart.

The approximate interval between hearings is around 75 days at the SC, compared with approximately 46 days at the DHC and 64 days at the BHC.

This may indicate that the frequency with which Section 11 petitions are listed and heard at the SC is an important contributor to delay. Hence, if Section 11 petitions at the SC were heard with a frequency closer to that observed at the DHC or BHC, the time taken to dispose of delayed petitions could potentially be reduced. This suggests that the frequency of listing and progression between successive hearings may be an important area for further examination in understanding delays at the SC.

7.3 Reasons for delay

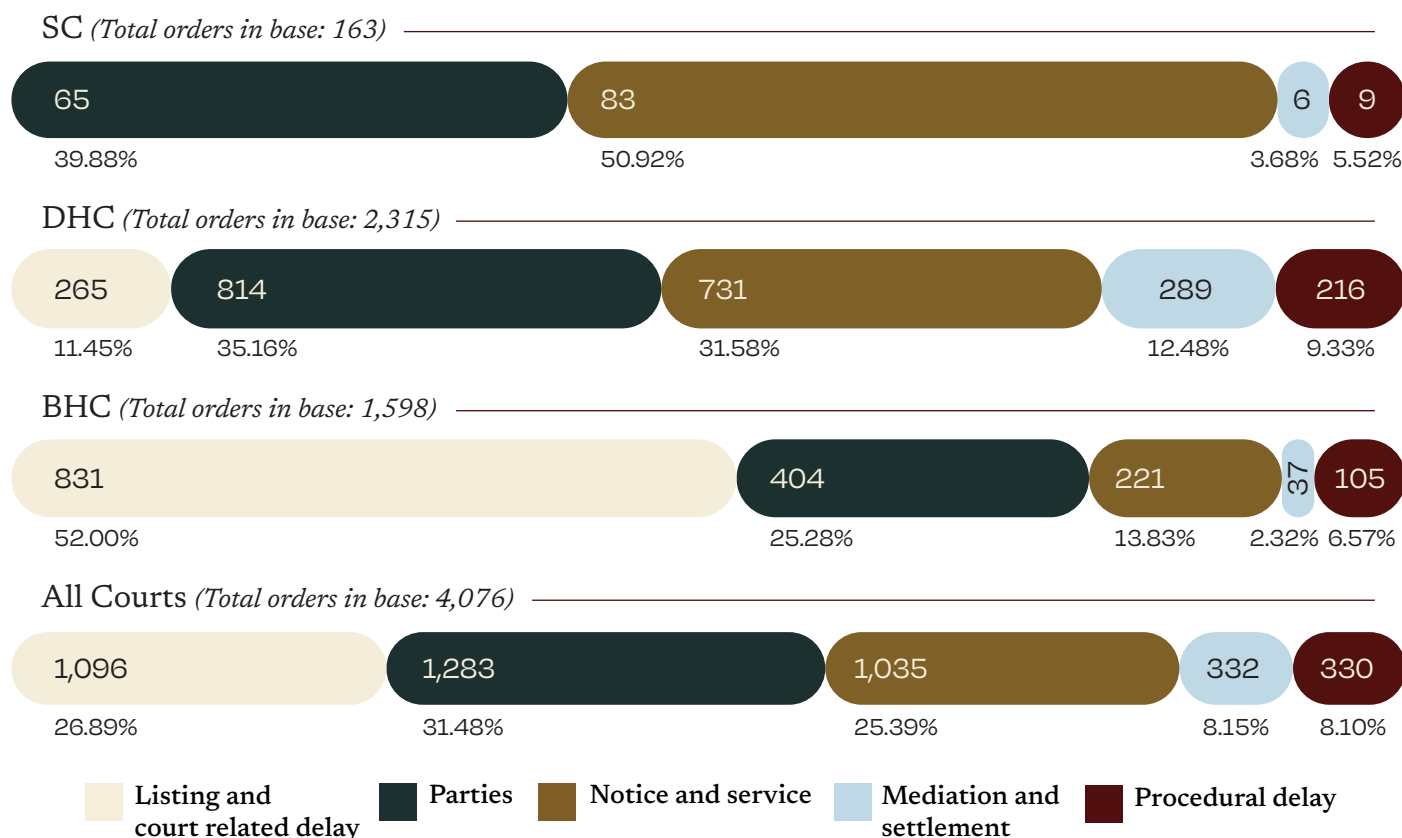
What the Categories Mean?

Each order in a delayed case is assigned to the factor that principally accounts for the matter not concluding on that date. Five categories are used.

<i>Listing and court related delay –</i>	Time lost to the vagaries of the functioning of the court rather than to the conduct of the litigants. This includes paucity of judicial time, stand-overs or renotification where no reason is recorded, matters wrongly on board or listed before the wrong bench, registry and board errors, and matters kept part-heard or with orders reserved.
<i>Parties –</i>	Time lost due to the conduct of a litigant: adjournments and extensions sought by a party, time taken to file pleadings, replies or rejoinders, failure to remove office objections, non-appearance or unavailability of counsel, and non-compliance with directions of the court.
<i>Notice and service –</i>	Time spent issuing, effecting or verifying notice and service, including substituted or published service, awaiting service reports, and re-issuing notice where service is found to be incomplete or improper.
<i>Mediation and settlement –</i>	Time during which the matter is adjourned while the parties mediate, negotiate, or draw up and file consent terms.
<i>Procedural delay –</i>	Orders that move the proceeding forward without being attributable to any of the four factors above: the filing and disposal of interlocutory applications, impleadment, amendment of the memo of parties, statutory bars such as a moratorium under Section 14 of the Insolvency and Bankruptcy Code, 2016, and orders recording withdrawal, dismissal or settlement.

Across the 4,076 orders recorded in the delayed cases analysed, the reason for delay was attributed as follows:

Reasons for delay, by court and across all three courts



Section 7.2 counts every order in a delayed case. Section 7.3 counts only those orders that can be attributed to a cause of delay, and so leaves out the order that finally appointed the arbitrator — 174 such orders at BHC, 102 at DHC and 12 at the SC, or 288 in all. That order ends the delay rather than causing it. The two bases therefore differ by exactly those 288 orders: $4,076 + 288 = 4,364$.

The three courts diverge sharply on where delay originates. BHC is the clearest outlier, attributing more than half of its delay orders (52.00%) to listing and court related delay, nearly five times DHC's rate (11.45%) and far above the all-courts average (26.89%).

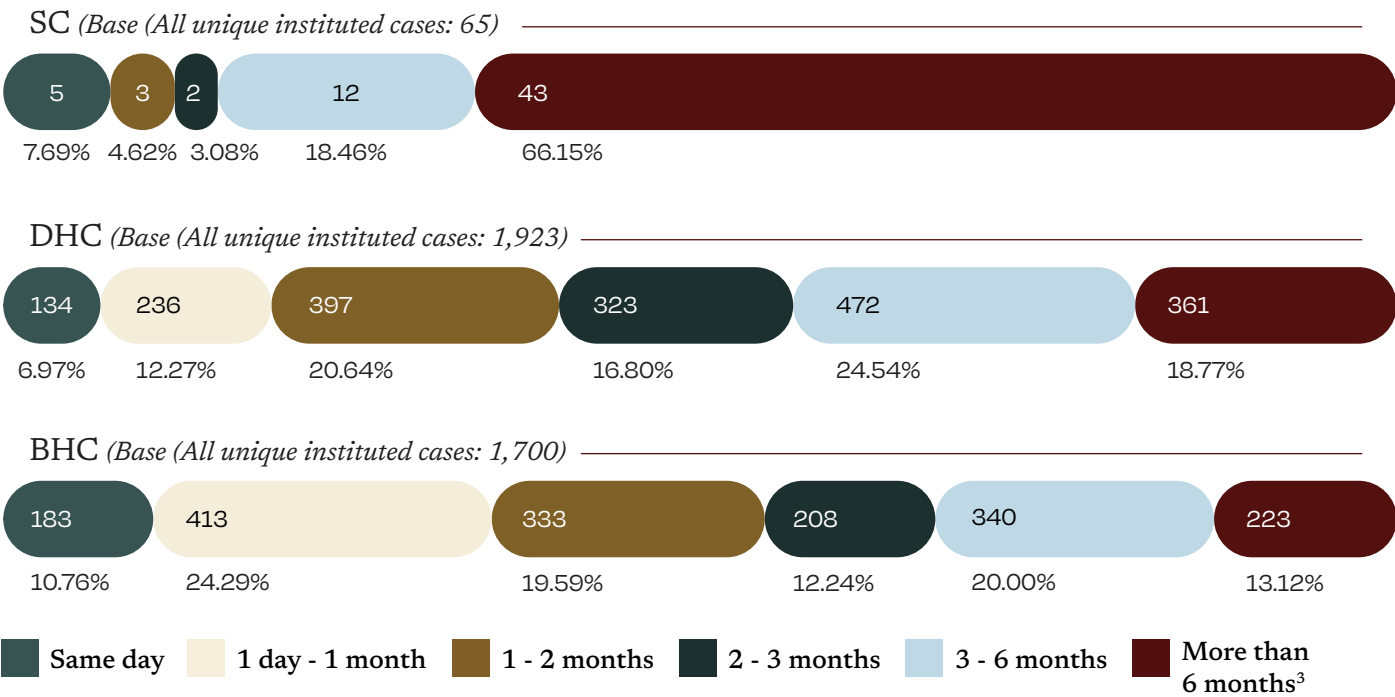
DHC's delay is instead concentrated in the parties themselves (35.16%, the highest of the three courts) and in notice and service (31.58%). The SC presents a different picture again: it records no delay attributable to listing and court related delay at all, with exactly half of its delay orders (50.92%) attributed to notice and service, nearly double the all-courts share for that category. Mediation and settlement are a comparatively minor driver of delay everywhere, peaking at DHC (12.48%) and negligible at the SC (3.68%) and BHC (2.32%).

8. Disposal timelines

Beyond the binary delayed/not-delayed classification in Section 7, the underlying data records how quickly each disposed case actually concluded from the day of the first order. This section presents how disposals accumulate over time, how the likelihood that a court appoints an arbitrator changes the longer a case takes, and how the nature of the determination shifts across that timeline.

8.1 Cumulative disposal timeline

Cumulative disposal timeline, by court



The two High Courts arrive at similar six-month positions by different routes. BHC disposes faster early, clearing about a third of its cases within a month (35.06%) against DHC's fifth (19.24%), but DHC closes harder in the three-to-six month window and ends with a similar rate of disposal within the six-month period (81.23% against BHC's 86.88%). The SC trails the whole way, clearing under a third of its disposals within three months.

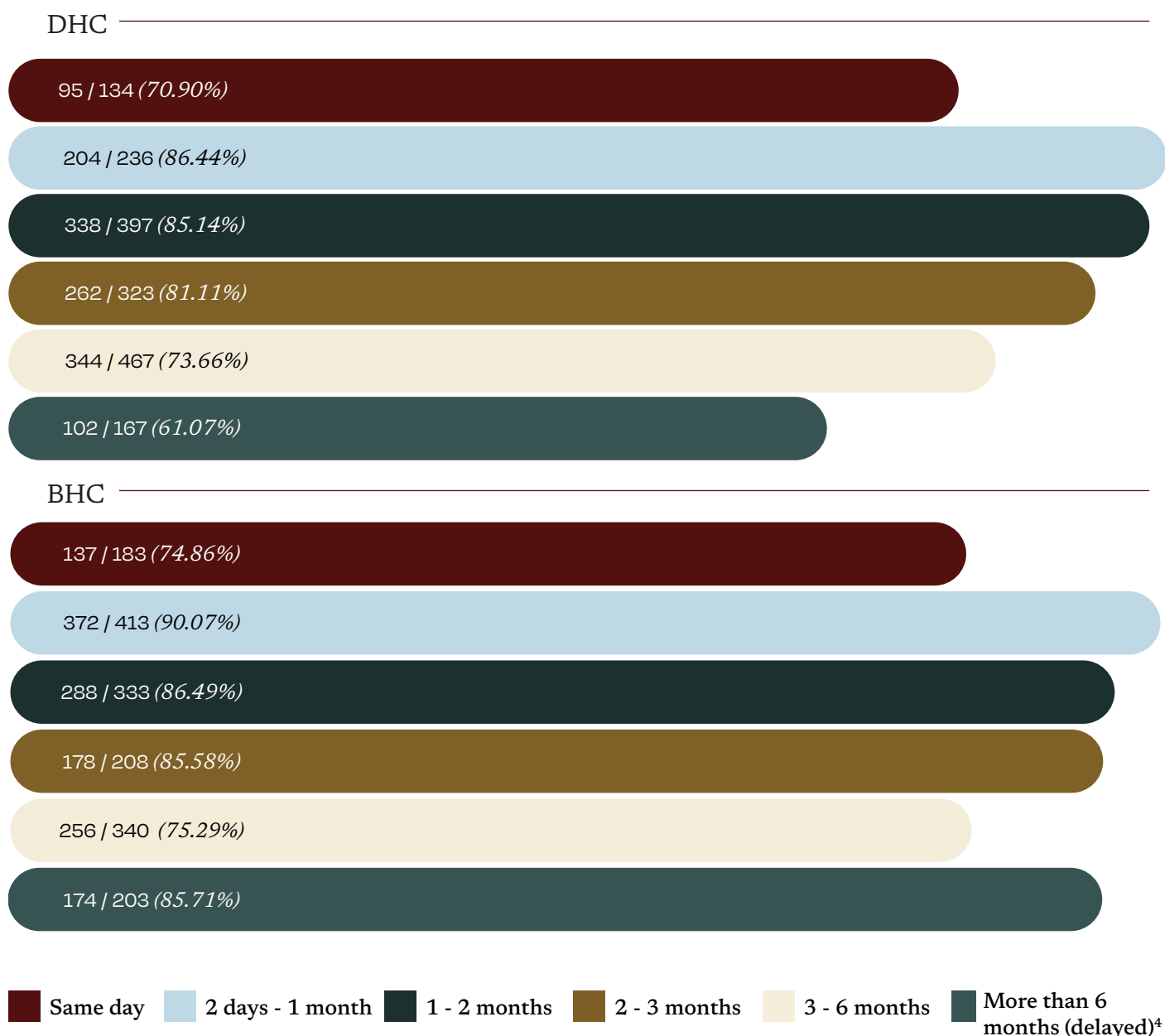
8.2 Appointment rate across the timeline

This section maps the proportion of cases that ended in an arbitrator being appointed, rather than settlement, withdrawal, or dismissal as time passed from the first date of order. Since the SC's data of appointments is very small (24 cases), the same has not been mapped against the timeline in which it was disposed.

The numerator is the number of cases where arbitrator was appointed, and the denominator is the total number of cases disposed.

³ This figure includes both cases that were disposed of after six months and cases that remain pending, where more than six months have elapsed since the first order.

Appointment rate across the disposal timeline, Delhi and Bombay High Courts



The combined appointment rate holds in the low eighties for cases resolved within six months (81.54%) and stands at 74.59% for cases that take longer. The two courts now diverge in the opposite direction from before: at DHC the rate falls sharply beyond six months, to 61.18%, while at BHC it rises to 85.71%, the highest rate of any BHC band apart from the first month. Same-day disposals are the one band where the rate is low in both courts, at 73.19% combined, reflecting that a case capable of being closed on the first day is often one being withdrawn or dismissed rather than referred.

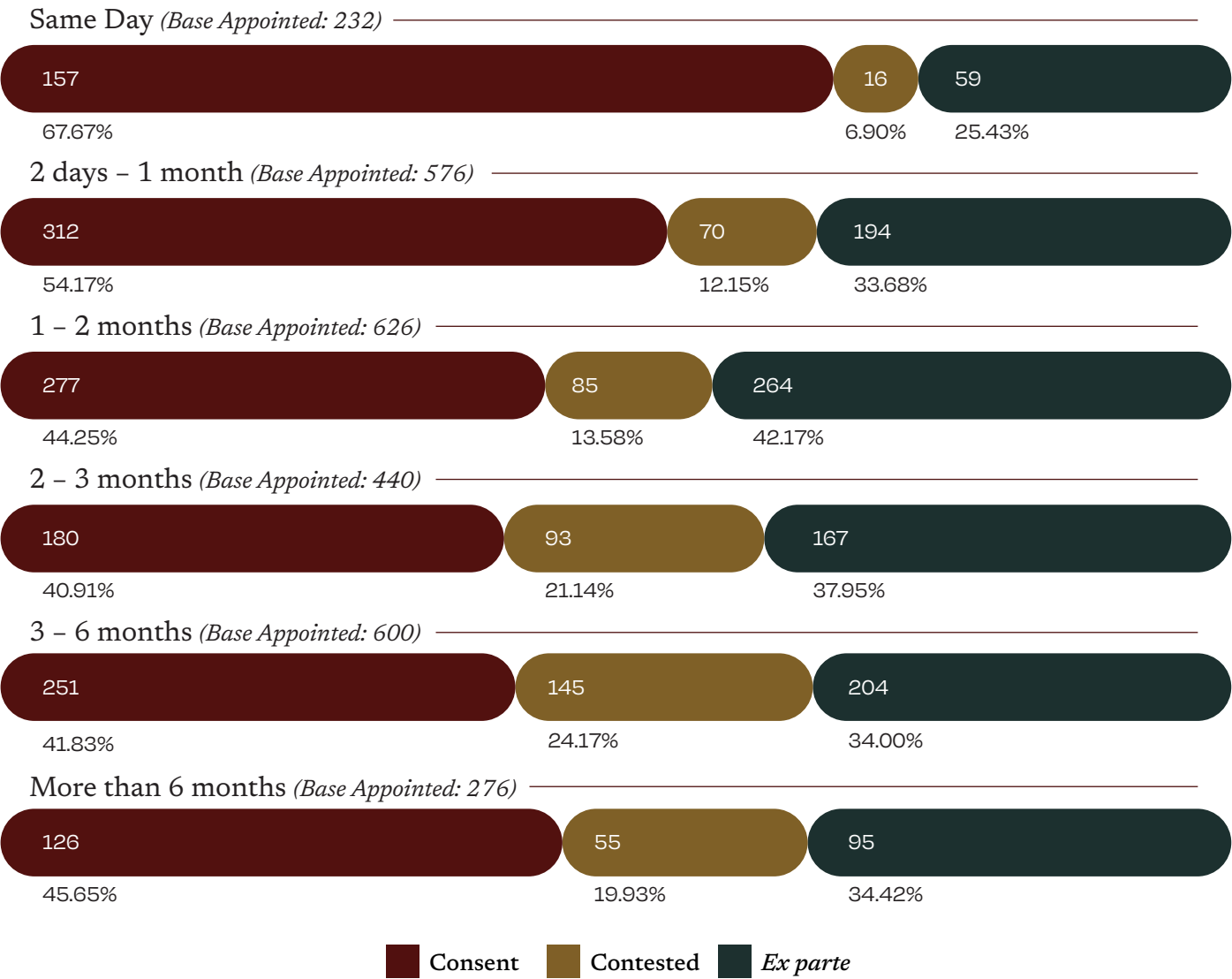
⁴ This figure is drawn only from disposed cases, since the outcome of the case needs to be known for this analysis.

8.3 Determination type across the timeline

This section maps whether there is a change in pattern of determination (for cases where an arbitrator was appointed) as time progresses since the first date of order. It categorises the type of determination as consent (where the parties didn't dispute the appointment of an arbitrator), ex-parte (where the Respondent failed to appear despite service of notice), and contested (where the Respondent appeared and challenged the appointment of arbitrator). Since the SC's data of appointments is very small (24 cases), the same has not been mapped against the timeline in which it was disposed. The below data records the appointment rate mapped on the timeline of disposal to identify any patterns.

The numerator is the type of determination across the two High Courts, and the denominator is the number of cases where arbitrator was appointed.

Nature of determination across the disposal timeline



Combined, the share of appointments by consent falls from 67.67% on the same day to 45.65% beyond six months, while contested determinations climb from 6.90% to 19.93%. One may infer, the longer a matter runs, the more likely it is to be genuinely fought

8.4 Average days to disposal

Average days to disposal, by court

Measure	SC	DHC	BHC
Disposed Cases	163.94	85.87	111.67
Currently Pending Cases ⁵	342.97	301.07	272.97
Cases taking more than a year ⁶	13/ 26 (50%)	48 / 753 (6.37%)	132 / 1,111 (11.88%)

Note:

- For SC, on average, disposed cases took 163.94 days to dispose, while cases that remain pending have already been pending for an average of 342.97 days since their first order. For DHC, on average, disposed cases took 85.92 days to dispose, while cases that remain pending have already been pending for an average of 300.07 days since their first order. For BHC, on average, disposed cases took 111.67 days to dispose, while cases that remain pending have already been pending for an average of 272.97 days since their first order.
- The DHC presents an interesting contrast with the BHC. While DHC disposes cases more quickly on average (85.92 days compared with 111.67 days at BHC), its pendency rate is more than twice as high (10.09% compared with 4.94%)⁷. Moreover, the cases that remain pending at DHC have been pending for an average of 300.07 days, compared with 272.97 days at BHC. Thus, the faster average disposal at DHC coexists with a larger and older pool of unresolved cases. This can, however, be explained by the larger use of mediation at DHC compared to BHC (7.75% against 1.47%)⁸, which contributes to a higher settlement rate at DHC compared to BHC (4.80% as against 3.28%)⁹.
- Half the cases instituted in the SC in the first half of 2025 remained pending after 1 year of the first order. Notably, even for the disposed cases, the SC took around double the number of days of DHC for disposing. However, as seen by Section 7.3, the said delay is in large part attributable to non-court related factors.

⁵ For pending cases, duration is measured from the date of the first order to the date of the survey/data collection.

⁶ Since the cut-off date for research for the report was 30th June 2026, we have only considered cases that were instituted till 30th June, 2025 for this data.

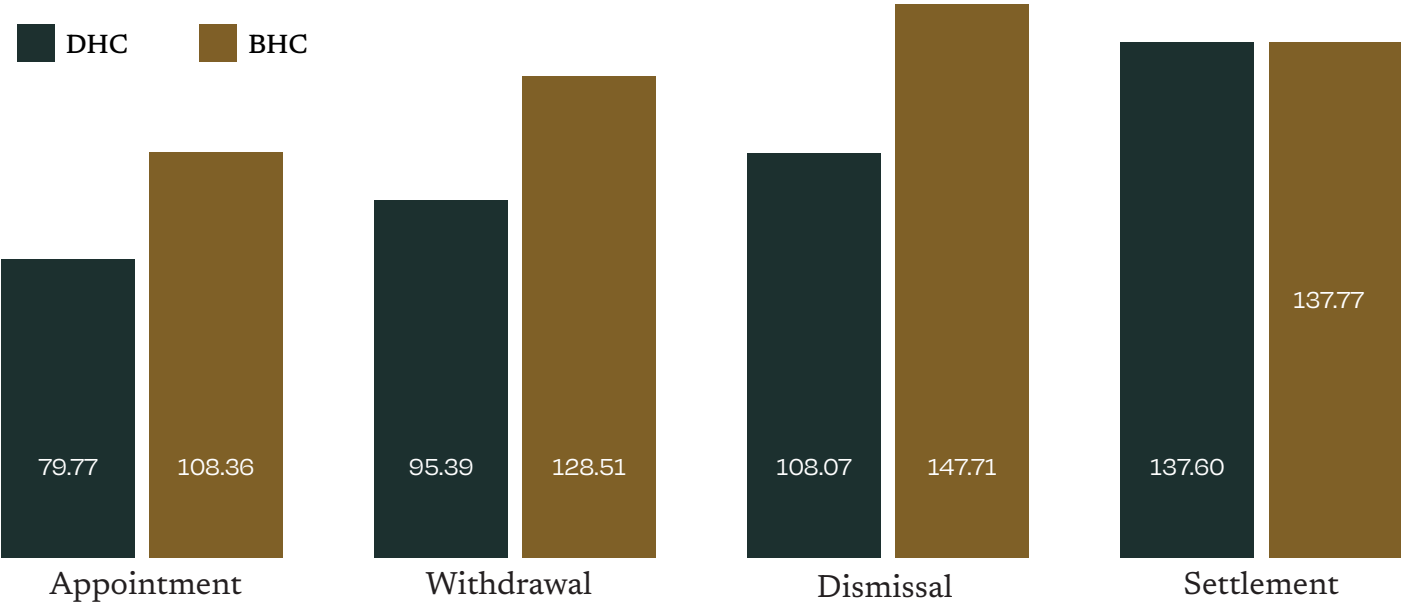
⁷ Refer Section 1.1 of the Report.

⁸ Refer Section 6.1 of the Report.

⁹ Refer Section 2.1 of the Report.

Average days to disposal, by outcome (only for the two High Courts since the SC dataset is too small to give reliable patterns):

Average days to disposal by outcome, Delhi and Bombay High Courts



- Note:
- The ordering of outcomes by speed is nearly identical in both courts on the faster end, with appointments fastest and withdrawals next. The courts diverge at the slower end: at DHC, dismissals are faster than settlements, whereas at BHC, settlements are slightly faster than dismissals, making dismissal the slowest outcome.
 - Settlements are the one outcome on which the two courts agree almost exactly, at 137.77 and 137.60 days. Everywhere else DHC is materially faster, by nearly a month on appointments and more than five weeks on dismissals.

Average days to disposal, by nature of determination in cases where arbitrator was appointed (only for the two High Courts since the SC dataset is too small to give reliable patterns):

Average days to disposal by nature of determination, Delhi and Bombay High Courts

Nature of determination	DHC	BHC
Consent	69.04	106.94
Ex parte	83.29	105.02
Contested	97.53	133.99

Consent is the quickest route to disposal in both courts and contested the slowest, with contested matters taking roughly 25% longer than consent matters.

Findings and Recommendations

Key Findings and Observations

1 The present procedure of arbitrator appointments by courts does not differentiate adequately between contested and uncontested appointments

The dataset indicates that Section 11 proceedings involve materially different degrees of contestation, but these matters are subjected to the same judicial process. Of the 2,709 appointments across the three courts, 47.14% were made by consent, 35.36% were *ex parte*, and only 17.50% were contested. Thus, 82.50% of appointments did not involve a substantive contest concerning the appointment of the arbitrator. The limited proportion of contested matters nevertheless represents a distinct category of proceedings requiring greater judicial consideration. The data further shows that contested matters took longer to dispose of. Across the DHC and BHC (the SC is excluded from this comparison given the small size of its dataset), the average disposal time was 110.85 days for contested matters, compared with 88.27 days for consent matters.

2 Section 11 proceedings involve substantial investment of judicial time, though this is not predominantly attributable to court-related factors

626 cases, representing 16.97% of the cases, took more than six months for disposal from the date of the first order. These delayed cases generated 4,364 hearings, averaging approximately seven hearings per case. Delay is a significant feature of the Section 11 process captured by the dataset, especially in the backdrop of the corresponding overall percentage of contested matters as identified hereinabove. The duration of proceedings also varies depending on the manner in which matters are disposed of. Across the DHC and BHC (the SC is excluded from this comparison given the small size of its dataset), the weighted average time for disposal was approximately 94 days for appointments, 110 days for withdrawals, 126 days for dismissals, and 138 days for settlements. However, the data suggests that this delay is not predominantly attributable to the listing and court related process itself. Of the orders recorded in delayed cases, 56.87% were attributed to the conduct of the parties and to notice and service, compared with 27.16% attributed to listing and court related delay. The data therefore indicates that a significant proportion of Section 11 proceedings involve substantial time before the matter reaches its final outcome, with that time being consumed largely by the parties as well as in service rather than necessarily reflecting the burden of judicial adjudication.

3 *Ex parte* appointments constitute a substantial proportion of Section 11 appointments

Ex parte appointments constitute 35.36% of all appointments in the dataset, making them a substantial component of the Section 11 process. The dataset also identifies the stage of completion of the process service of notice as an important procedural feature in delayed matters, accounting for 1035 of 4,076 delay-related orders, or 25.39%. The data does not clearly establish whether non-participation by respondents results from deliberate non-cooperation, defective service, or other circumstances. It nevertheless demonstrates that a significant proportion of appointments proceed without participation by the respondent,

while service-related issues constitute a substantial category within delayed proceedings.

4 Court appointments are concentrated among a relatively small group of arbitrators

Of the 1,060 arbitrators appointed by courts, 658 received only one appointment, while 54 arbitrators, constituting 5.09% of the arbitrator pool, received seven or more appointments and together accounted for 24.00% of court-made appointments. The concentration is more pronounced at the BHC, where 11.21% of arbitrators received 38.24% of court-made appointments with one arbitrator in the BHC dataset receiving as many as 34 appointments arising from petitions filed in 2025. The dataset does not establish that repeat appointments are improper, preferential, or indicative of bias; it nevertheless demonstrates a significant concentration of court appointments within a relatively small segment of the arbitrator pool.

5 The appointed arbitrator pool shows significant gender and professional concentration

The dataset reveals a significant gender imbalance among appointed arbitrators. Of the 2,283 appointments for which gender was recorded, 70.03% were male and 29.97% were female. The professional composition of the pool is similarly concentrated. Of 2,284 appointments where the profession was recorded: 73.21% were advocates, 23.73% were retired judges, and only 3.10% were technical experts. The professional concentration is particularly pronounced at the BHC, where technical experts accounted for only 1.43% of appointments. These figures demonstrate that the pool of court-appointed arbitrators is predominantly male and drawn from a relatively narrow range of professional backgrounds. The data does not, however, establish whether this composition reflects the underlying pool of eligible arbitrators or the specific requirements of the disputes before each court.

6 Institutional appointments are unevenly distributed across courts

The dataset reveals a stark difference in the way arbitral institutions are used by the DHC and the BHC. Three things are of particular significance. First, while the DHC exclusively referred to DIAC wherever it resorted to institutional arbitration, the BHC used seven arbitral institutions, and hence was more open to new arbitral institutions. This could either be attributed to preference of the parties or Court policy of encouraging different arbitral institutions instead of an exclusive reference to one institution. Second, while the DHC referred to institutional rules in 1,072 / 1,350 (79.39%) cases, the BHC did so only in 357 / 1,335 (26.74%) cases. Institutionalization is therefore much more common at the DHC than the BHC. Third, the BHC and DHC used arbitral institutions in different ways. While the BHC used arbitral institutions only in cases where it did not appoint the arbitrator, the DHC in 1,002 / 1,072 cases referred to DIAC had appointed the arbitrator itself and had referred to DIAC rules thereafter.

The dataset of Supreme Court referring to arbitral institutions is relatively miniscule (4 cases) and hence, no definitive patterns could be identified in respect of the Supreme Court's utilisation of arbitral institutions.

7 Mediation is infrequently used at the Section 11 stage and is associated with both settlement and delay

Only 4.80% of cases in the dataset were referred to mediation, with substantial variation across courts. The BHC referred 1.47% of its cases to mediation, compared with 7.75% at DHC. In the DHC data, mediated cases had a substantially higher settlement rate than unmediated cases: 21.14% compared with 3.55%. At the same time, mediated cases were considerably more likely to fall within the report's delayed category, at 48.99% compared with 16.12% for unmediated cases. The data therefore identifies a relationship between mediation, increased settlement, and increased duration of proceedings. It does not establish whether mediation itself causes delay or whether matters more likely to be mediated are inherently more complex or likely to be settled.

8 The Supreme Court has a high proportion of pending matters

The SC dataset contains 65 unique cases, of which 31 remained pending, meaning that 47.69% of the cases in the SC sample were pending at the time of data analysis. This is markedly different from the position reflected in the two High Courts and makes the SC the clearest outlier in the dataset in terms of pending matters. Readers should, however, interpret the figure cautiously because the SC sample is considerably smaller than the High Court datasets.

9 Supreme Court appointments are overwhelmingly of retired judges

The professional composition of SC appointments differs substantially from that of the High Courts. Among recorded SC appointments, 88% were retired judges and 12% were advocates, with no technical experts recorded. This represents a substantially greater concentration than the corresponding professional composition of appointments at the High Courts. The dataset does not establish why this pattern exists, whether it reflects the nature or complexity of disputes reaching the SC, or whether retired judges are more suitable for such appointments. It nevertheless demonstrates a distinctive professional composition in SC appointments.

Policy Recommendations

1 Introduce a differentiated procedural structure for Section 11 applications, with separate routes for consent, *ex parte*, and contested appointments

The Section 11 application process should adopt a differentiated procedural structure that aligns the degree of judicial intervention with the nature of the application. **Routine matters should be eligible for expedited disposal, while contested applications should receive focused judicial consideration.** The Registry should conduct preliminary scrutiny and identify the nature of the application before listing it before the court, with clear procedural timelines for each category. This would allow courts to concentrate judicial time on matters requiring substantive consideration while reducing the number of hearings required for routine appointments.

The data supports a three-route approach to appointments. **Consent matters** should, subject to basic verification and an opportunity for parties to raise objections, undergo Registry-level scrutiny followed by expedited listing before the designated judge, since the appointment itself remains an exercise of the court's judicial power. A more far-reaching model, under which such matters are disposed of by the Registry itself, would require a statutory amendment and is not being proposed here. **Ex parte matters** should proceed through a similarly streamlined process once the applicant has established legally sufficient service. **Contested matters** should remain before the court for substantive determination. This would ensure that the 17.47% of appointments that are contested receive the judicial attention they require without subjecting the substantially larger category of uncontested matters to the same procedural burden, and the attendant investment of judicial time.

2 Ensure that Section 11 applications contain the necessary averments and accompanying documents for expeditious disposal

Section 11 applications should contain, at the time of filing, the key information and documents necessary for the Registry and the Court to determine the nature of the application and identify the appropriate procedural course. The information should, at a minimum, enable the Court to ascertain the relevant clauses of the arbitration agreement, the parties' respective positions on the existence of an arbitration agreement, the constitution of the proposed arbitral tribunal in the agreement, the invocation of arbitration, etc.

The BHC, for instance, vide Notice dated 05.02.2025, has directed Parties / Advocates to tender certain data in a tabular format when the matter is called out for hearing.¹⁰ Using that as a base, we suggest the following format. **We suggest that the relevant data points should instead be required to be furnished at the stage of filing itself, so that the Registry can undertake a preliminary scrutiny of the application and place before the Court the information necessary for an expeditious disposal.**

¹⁰<https://bombayhighcourt.gov.in>

Sr.No	Data Head	Particulars
1	Date of the Agreement	[Date], Page [-]
2	Arbitration Agreement	Clause [-], Page [-]
3	Seat and Venue	Seat: [-], Venue: [-]
4	Invocation Notice	[Date], Page [-]
5	Reply, if any	[Date], Page [-]
6	Respondent's Stance on Existence of Arbitration Agreement (as stated in the Reply in Sr. No. 5 above)	[Denied] [Admitted] [Silent]
7	Approximate Value of Dispute in Question	Rs. [-]
8	No. of arbitrators stated in the arbitration agreement	[Sole Arbitrator] [Three Member Tribunal] [Not stated]
9	Section 9 Petition, if any, relating to the same dispute	Arbitration Petition No. [-] of [-]
10	Details of any arbitral institution or arbitrator named in the Arbitration Agreement. If yes, whether the said institution / arbitrator have been approached prior to filing the application.	Named Arbitral Institution [Yes] / [No] Approached [Yes] / [No] Named arbitrator [Yes]/ [No] Approached [Yes] / [No]
11	Proposed arbitrator by Petitioner / Applicant	[-]
12	Proposed arbitrator by Respondent	[-]

The information should also enable the Registry to identify, at an early stage, whether the application is consented or contested. Providing this information upfront would reduce the need for repeated directions or hearings to obtain basic information and would facilitate the matter being placed before the Court through the appropriate procedural track.

It is suggested that the above format can be utilized across the different High Courts and SC, which will also help in standardising adjudication of Section 11 proceedings.

3 Establish a standardised and time-bound service protocol

Courts should establish a **clear service protocol** for Section 11 applications, including recognised modes of service, recording of service attempts, and defined consequences once the applicant has completed legally sufficient service. Where a respondent fails to appear despite proper service, the matter should move automatically into the expedited *ex parte* track rather than remaining subject to repeated adjournments for service-related purposes. **Once the modes of service are standardized, the decision to move a matter to an ex parte list, may be taken at the Registry level, without expending judicial time on the same.** This would preserve procedural fairness while reducing the potential for service to become a recurring source of delay.

4 Introduce greater transparency in repeat appointments

Courts should maintain a **central record, at the national level, of court-made appointments showing an arbitrator's recent and concurrent appointments.** Courts could also require the proposed arbitrators to disclose their existing workload and availability. The objective should not be to prohibit repeat appointments, but to ensure that concentration is transparent, explainable, and capable of being monitored. It is also important that the arbitrator so appointed has the time and bandwidth to conclude the arbitration within the timelines stipulated under the Arbitration Act.

5 Diversify the arbitrator appointment pool

Courts and arbitral institutions should **broaden their pools of eligible arbitrators.** The disparity in the appointments on the basis of gender are particularly concerning and need to be addressed. Further, there should be a pool of appropriately qualified technical and subject-matter experts that should be available for disputes in sectors where specialised expertise is relevant, including construction and infrastructure.

It may be useful to create **an online, accessible pool of arbitrators,** where particulars of the arbitrators are mentioned including, expertise, years of practice / work, number of arbitrations (disposed and pending), curriculum vitae, etc. Currently, certain online international resources host such data, including providing a preliminary conflict check for the arbitrators. Having an online and accessible database helps reduce the transactional costs of information asymmetry. Having a ready and accessible database of arbitrators would also help the courts in making more diverse appointments.

Diversification could also be achieved by **enlarging the pool of competent arbitrators.** This could be done by introducing training sessions for persons to become arbitrators. Training sessions could cover technical skills, such as writing orders and awards, managing the arbitration schedule, moderating witness examinations, etc. as well as practical aspects in the conduct of arbitral proceedings, such as ensuring fairness through the entire process and procedure, maintaining decorum and enforcing discipline etc. Many bar associations in India are involved in 'advocacy training courses' for young advocates. Similar training sessions could be structured for new / aspirational arbitrators.

6 Providing administrative / secretarial support for *ad hoc* arbitrations

Practically, one major hurdle faced by persons who are appointed as *ad hoc* arbitrators is the **administrative burden of being an arbitrator**. Currently, if a person is not associated with an institution, the administrative tasks associated with arbitration, including filing, monitoring collection of fees, staying on top of communication with the parties including adjournment requests, scheduling, etc. are handled by the arbitrator. One could explore whether there could be an **organization that could provide administrative/secretarial support to arbitrators**. Such support would stay limited to administrative and ministerial functions, and be undertaken with the consent of the parties.

7 Develop a mechanism for reporting and monitoring court-referred arbitrations

While this report is limited to the appointment stage, this recommendation still falls within its scope. The court chooses the arbitrator or institution. The dataset cannot show whether those choices lead to timely awards. Without that information, courts cannot assess how well their appointments work.

Therefore, courts could put in place a **proper mechanism to review the timeline and overall conduct of the arbitration proceedings** that are referred to arbitral institutions or *ad hoc* arbitrators appointed by them. Courts could monitor empirically whether institutional referral produces measurable efficiency gains, since the present dataset does not establish that institutionally appointed matters are disposed of more quickly. The courts could also put in place a system of reporting the time taken by *ad hoc* arbitrators to deliver an award.

8 Introduce a short, structured mediation window

Mediation saves judicial time as a settled matter requires no further adjudication and takes the case out of the judicial system. However, as seen above, attempts at mediation/ settlement also delay adjudication of Section 11 proceedings.

Courts could make mediation available at the Section 11 stage through a **short and clearly defined settlement window**, rather than through an open-ended referral. One way to do this may be to introduce a **mandatory mediation process**, lasting for a month, before the courts take up a Section 11 proceeding. This would be akin to the mandatory mediation followed in commercial matters. In this manner, courts could give parties a fixed period to attempt settlement, with urgent or otherwise unsuitable matters excluded. If the parties do not achieve settlement within that period, the Section 11 proceedings should automatically return to the judicial track. In several cases where the DHC has made arbitrator appointments, it has also given the parties an opportunity to settle the matter through mediation for a limited period failing which the arbitrator enters adjudication. This approach could serve as a model. It preserves the opportunity for settlement without indefinitely postponing the constitution of the tribunal.

Additionally, the BHC's comparatively low mediation referral rate provides a basis for examining whether a more systematic approach could work there.

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