

Arbitration Act, 1940 [Repealed]

Section 37 - Limitations

- (1) All the provisions of the Indian Limitation Act, 1908 (9 of 1908),¹ shall apply to arbitrations as they apply to proceedings in Court.
- (2) Notwithstanding any term in an arbitration agreement to the effect that no cause of action accrue in respect of any matter required by the agreement to be referred until an award is made under the agreement, a cause of action shall, for the purpose of limitation, be deemed to have accrued in respect of any such matter at the time when it would have accrued but for that term in the agreement.
- (3) For the purpose of this section and of the Indian Limitation Act, 1908 (9 of 1908),¹ an arbitration shall be deemed to be commenced when one party to the arbitration agreement serves on the other parties thereto a notice requiring the appointment of an arbitrator, or where the arbitration agreement provides that the reference shall be to a person named or designated in the agreement, requiring that the difference be submitted to the person so named or designated.
- (4) Where the terms of an agreement to refer future differences to arbitration provide that any claims to which the agreement applies shall be barred unless notice to appoint an arbitrator is given or an arbitrator is appointed or some other step to commence arbitration proceedings is taken within a time fixed by the agreement, and a difference arises to which the agreement applies, the Court if it is of opinion that in the circumstances of the case undue hardship would otherwise be caused, and notwithstanding that the time so fixed has expired, may on such terms, if any, as the justice of the case may require, extend the time for such period as it thinks proper.
- (5) Where the Court orders that an award be set aside or orders, after the commencement of an arbitration, that the arbitration agreement shall cease to have effect with respect to the difference referred, the period between the commencement of the arbitration and the date of the order of the Court shall be excluded in computing the time prescribed by the Indian Lamination Act, 1908 (9 of 1908)¹ for the commencement of the proceedings (including arbitration) with respect the difference referred.

1. Now the Limitation Act, 1963 36 of 1963.
