

## *Difference between Section 9 and 17 of the Arbitration and Conciliation Act*

### Section 9 of the Arbitration and Conciliation Act

Section 9 of the [Arbitration and Conciliation Act](#), 1996, in the context of India, deals with the power of the court to grant interim measures. A party can, before or during arbitral proceedings or at any time after the making of the arbitral award but before it is enforced, apply to a court for interim measures. Interim measures can include the preservation, interim custody, or sale of any goods which are the subject matter of the arbitration agreement. The court has the power to grant a variety of interim measures, and it's not limited to the specific examples mentioned in the Act. The idea is to provide flexibility based on the circumstances of each case. The court can impose conditions while granting these measures to ensure that the applicant will comply with the terms and conditions specified by the court. The court has the authority to enforce the interim measures granted by it. The interim measures are to be treated as if they were orders of the court for all purposes and are enforceable accordingly. An appeal lies from any order granting or refusing to grant an interim measure under this section to the principal civil court of original jurisdiction. In essence, Section 9 provides a mechanism for parties involved in arbitration to approach the court for interim measures to protect their rights or assets during the arbitral process. The court, through this section, aims to support and facilitate the arbitral proceedings.

### Section 17 of the Arbitration and Conciliation Act

Section 17 of the Arbitration and Conciliation Act, 1996, in the context of India, deals with the powers of the arbitral tribunal to grant interim measures. The arbitral tribunal has the authority to order interim measures at the request of a party. Similar to Section 9, these interim measures can include measures for the preservation, interim custody, or sale of any goods that are the subject matter of the arbitration. The tribunal can impose certain conditions while granting these interim measures to ensure that the party requesting the measures complies with the terms set by the tribunal. The interim measures ordered by the arbitral tribunal are to be treated as if they were orders of the court for all purposes and are enforceable accordingly. A party can, if necessary, apply to the court for assistance in implementing or enforcing the interim measures granted by the arbitral tribunal. The arbitral tribunal is expected to make the final arbitral award within a reasonable time, and it must not exceed the time limit agreed upon by the parties. In summary, Section 17 empowers the arbitral tribunal to take prompt action by granting interim measures during the course of the arbitration proceedings. The measures are enforceable as if they were court orders, and the section emphasizes the importance of the timely conclusion of the arbitration process.

## What is the Difference between Section 9 and 17 of the Arbitration and Conciliation Act

The primary difference between Section 9 and Section 17 of the Arbitration and Conciliation Act lies in the authority responsible for granting interim measures.

1. Section 9 empowers the court to grant interim measures.
  - Initiation: Parties can approach the court directly for interim measures before, during, or after arbitral proceedings.
  - Enforcement: The court-ordered interim measures are directly enforceable, and an appeal can be made to the court against the decision.
2. Section 17 - Arbitral Tribunal's Authority:
  - Nature: Section 17 grants the arbitral tribunal the authority to order interim measures.
  - Initiation: Parties request interim measures directly from the arbitral tribunal during the arbitration proceedings.
  - Enforcement: The interim measures ordered by the arbitral tribunal are treated as if they were court orders and are enforceable accordingly. If necessary, a party can seek assistance from the court in implementing or enforcing these measures.

In essence, Section 9 involves seeking interim relief from the court, while Section 17 involves seeking such relief directly from the arbitral tribunal. Both sections serve the purpose of preserving the rights and assets of the parties during the arbitration process, but they differ in terms of the authority responsible for granting and enforcing these measures.

### Conclusion

In conclusion, the distinction between Section 9 and Section 17 of the Arbitration and Conciliation Act lies in the authority vested with the power to grant interim measures. Section 9 empowers the court to issue such measures, allowing parties to approach the court before, during, or after arbitral proceedings. On the other hand, Section 17 grants the arbitral tribunal the authority to order interim measures directly during the arbitration process. While both sections aim to provide effective interim relief, the choice between them depends on whether a party seeks intervention from the court or the arbitral tribunal. Additionally, both sections emphasize the enforceability of the ordered measures, with Section 9 allowing direct enforcement by the court and Section 17 treating tribunal-ordered measures as enforceable court orders.