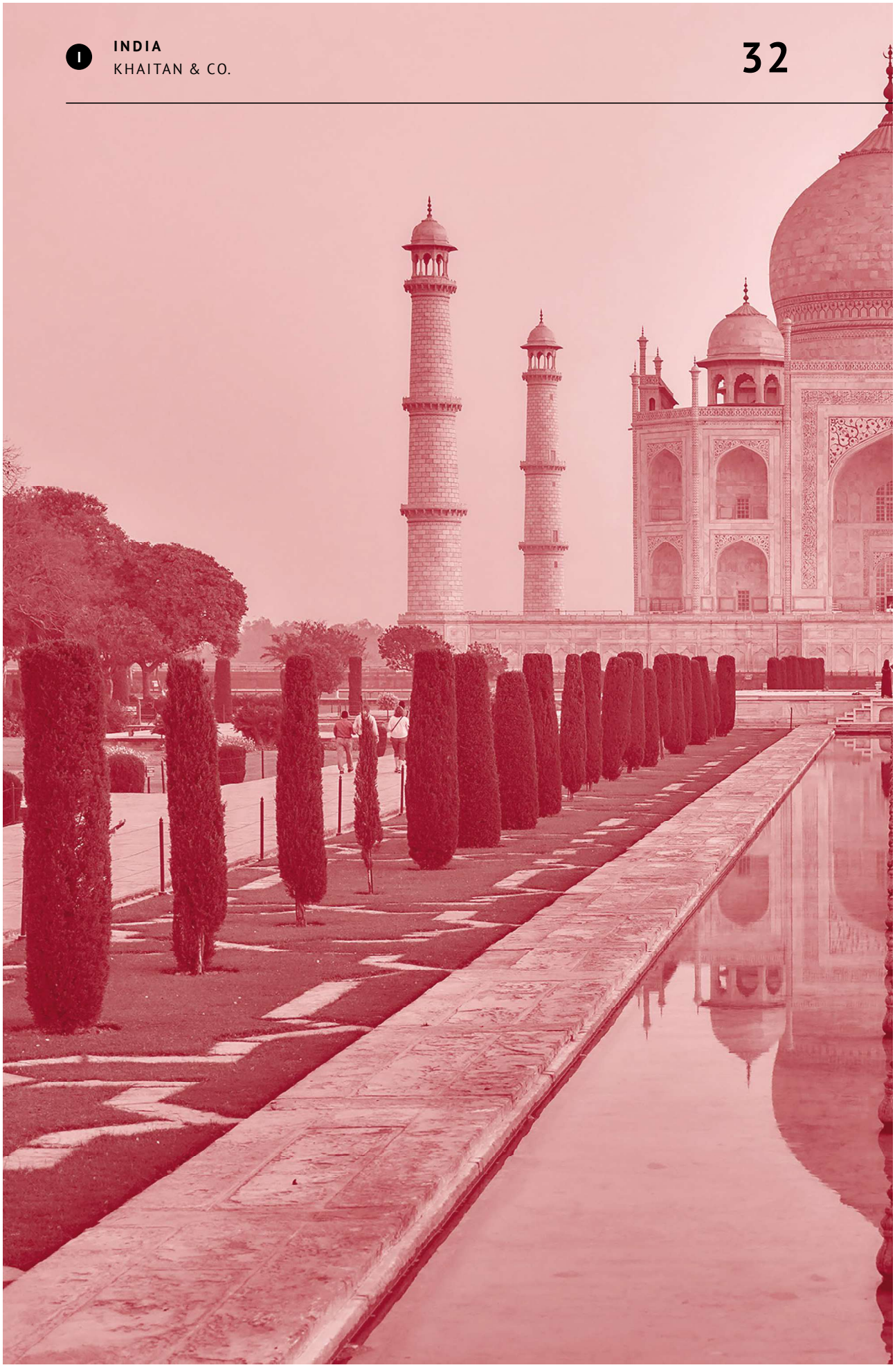
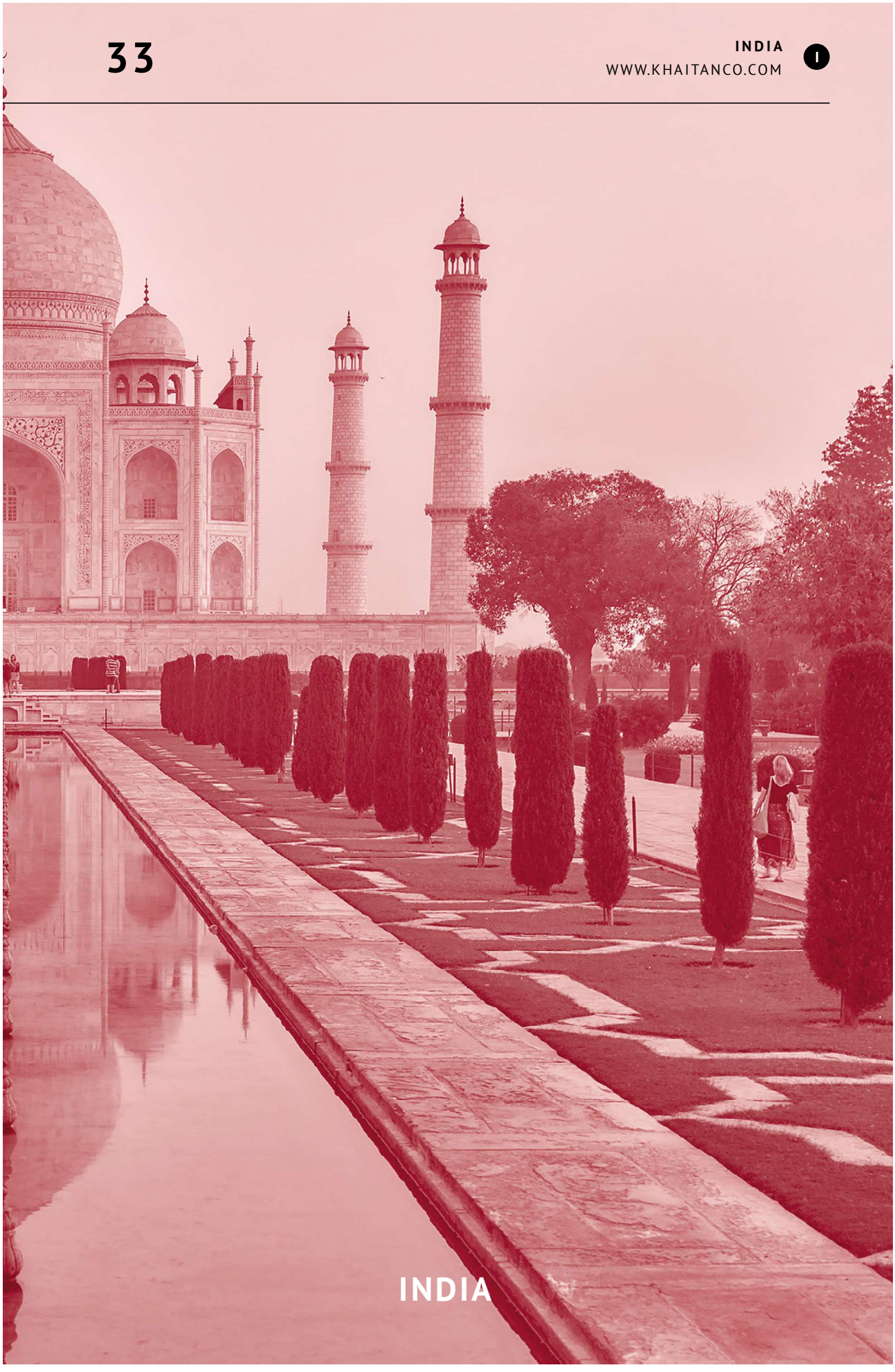
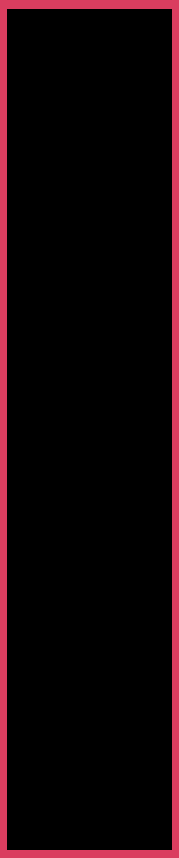




INDIA



INDIA

1 GENERAL PROVISIONS. REGULATORY FRAMEWORK AND RECOGNITION PROCEDURE

1.1 Grounds for recognition

Foreign judgments are recognised in India on the basis of (i) the Code of Civil Procedure of the Republic of India, 1908, (ii) international treaties, or (iii) the principle of reciprocity.

However, the laws of the Republic of India provide for the division of countries into those with the status of "territory of reciprocity" ***(Group A)***, which means that there is no need to initiate separate proceedings for the recognition and enforcement of a foreign judgment and effectively equate the judgments of the courts of these countries with the judgments of Indian courts, and those that do not have such status ***(Group B)***[1]. It is for the Government of India to determine the list of Group A countries. This distinction affects only the procedure to be followed in recognising a foreign judgment, but it does not affect the conceptual possibility or impossibility of recognising a foreign judgment.

1 *The names of the groups are given by the authors of this material for the reader's convenience and are not stipulated in the Indian legislation.*

1.2 Grounds for recognition of Russian judgments

Treaty between the Republic of India and the Russian Federation on Legal Assistance and Legal Relations in Civil and Commercial Matters (signed in New Delhi on October 03, 2000, ***Treaty***).

However, Russia is not one of the countries with the status of the territory of reciprocity. Therefore, the simplified recognition regime is not applicable to Russian court judgments. Given the inapplicability of the simplified regime to the recognition and enforcement of Russian judicial acts, the following analysis will be given regarding recognition under the regime for Group B jurisdictions.

1.3 Limitation period for filing an application for recognition

The application for recognition of a foreign judgment for Group B countries shall be filed within 3 years of the judgment's entry into force. At the same time, a recognised foreign judgment may be enforced within the framework of enforcement proceedings within 12 years of the date of recognition.

1.4 Term for consideration of the application for Group B countries can take no less than 1–2 years.

1.5 Alternative options

As an alternative to the recognition and enforcement procedure, it is possible to initiate new proceedings, provided that the limitation period is met, notwithstanding the existence of a foreign judgment on the same grounds between the same persons.

1.6 Features and trends

1.6.1 The specifics of recognition and enforcement in India depend on whether reciprocity has been established with the State in which the foreign judgment was rendered. The procedure for the recognition of a foreign judgment for Group B countries is characterised by the following features:

(A) the applicant files a statement of claim on the basis of a foreign court judgment and/or on other grounds, with the judgment attached as evidence;
(B) the Treaty would then be relevant as evidence of reciprocity for purposes of recognising the judgment;
(C) once the Indian court judgment is rendered, the applicant may enforce the judgment.

1.6.2 A common feature of the recognition and enforcement procedure in India is the lack of detailed regulation, which complicates the proceedings and can lead to long delays. The procedure for the recognition of foreign arbitral awards is clearer and faster.

2 CONDITIONS FOR RECOGNITION AND ENFORCEMENT

2.1 Any final judgment in respect of any matter directly litigated between the same parties may be recognised and enforced in India.

Indian law does not define the types of judgments that are considered "final" while providing for types of judgments that are not considered as such and are thus not enforceable. A foreign judgment is generally deemed to be final as to any matter directly adjudicated upon by a foreign court, between

the same parties or between parties under whom they or any of them claim. Judgments are not considered final if they are subject to circumstances preventing recognition and enforcement (see para. 3 below).

2.2 Pursuant to Article 25 of the Treaty, the review of applications for granting enforcement is within the competence of the courts of the Contracting Party in which the enforcement is to be carried out.

An application for enforcement has to be filed with the competent court. The procedure for filing the application is to be determined by the law of the Contracting Party in which the enforcement is to be carried out. Thus, prior application to a Russian court is not required.

3 GROUNDS FOR REFUSAL IN RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS

Recognition and enforcement of a foreign judgment in India may be refused if the judgment:

(A) was rendered by a court without jurisdiction to hear the dispute;

(B) contains rulings beyond the merits of the dispute;

(i) An important element of the judgment on the merits is the availability of evidence of proper notification. Indian courts consistently distinguish whether a party was not served at all or whether, despite proper service, the party fails to appear at the hearing.

(ii) In the latter case, unlike the former, the judgment rendered in the case will be considered on the merits of the dispute, and, if the foreign court grants the relevant claims, recognition and enforcement of such a judgment cannot be refused, provided that the other requirements are met.

(C) is based on a misconception of international law or in refusing to apply Indian law where it is applicable;
(D) was adjudicated as a result of a procedure contrary to natural justice;
(E) was obtained by fraud;
(F) granted a claim which is based on a violation of any law in force in India.

Meanwhile, the Treaty is silent as to the grounds for refusing to recognise foreign judgments.

4 PRACTICE OF RECOGNITION AND ENFORCEMENT OF RUSSIAN COURT JUDGMENTS

4.1 General practice of recognising the judgments of Russian courts

To date, there is no information on court judgments recognising and enforcing Russian court judgments.

At the same time, Indian courts have encountered cases that indirectly suggest potential risks of refusing to recognize and enforce Russian court judgments, as Indian courts carefully examine whether a foreign court has jurisdiction to hear a dispute.

For example, in the case of ***Mohidin Mohamed Sheikh Davud v. Sovfracht Inc. (2021 SCC OnLine Bom 9810)***, rendered in the context of considering an application for anti-suit injunctions against a Russian entity, the Bombay High Court analysed in detail the circumstances under which a Russian court may be deemed a competent court under Section 13 of the Indian Code of Civil Procedure. The High Court emphasised that the decisive question for determining jurisdiction is whether the Russian court has the "most real and substantial connection" to the subject matter of the case, which, may be determined based

on: (1) the law governing the contract; (2) the location of the object of the dispute; (3) the place where commercial transactions are carried out and obligations are performed; and (4) the parties' contractual choice of court and law. Considering the factors above, the Bombay High Court's judgment clearly stated that formal or incidental connections are insufficient to establish the jurisdiction of a foreign court. Consequently, the court granted the application for interim anti-suit injunction, prohibiting Sovfracht JSC from continuing proceedings in the Moscow Arbitrazh (State Commercial) Court in Case No. A40-201344/20.

In this regard, even though, under Article 16 of the Treaty, a Russian court may be recognised as the competent authority to resolve the dispute, Indian courts will not assess the existence of a close legal and factual connection between the dispute and India in a purely formal manner. This is particularly true in cases where Russian courts establish jurisdiction in violation of the contractual venue for the dispute.

Thus, it is necessary to consider that, given attempts to have a Russian court's judgment recognised in an Indian court, the question of the Russian court's competence to hear such a dispute may be examined in great detail.

4.2 Impact of sanctions on the possibility of recognising Russian court judgments

4.2.1 Moreover, the recognition and enforcement of foreign court judgments are not typically subject to sanctions regimes. Indian law operates under a rebuttable presumption that a judgment was rendered by a competent foreign court. If this presumption is rebutted, the Indian court will examine the jurisdiction of the foreign court.

At present, there is no information on case law in which the judgments of Russian courts on sanctions disputes, including those under Article 248.1 of the Arbitrazh Procedure Code of the Russian Federation, have been recognised and enforced.

In this context, particular attention is drawn to the ongoing proceedings in India, which could serve as the basis for establishing Indian practice of the recognition of Russian judgments.

4.2.2 On January 13, 2026, the Bombay High Court (*Case No. 42160 of 2025*), in proceedings initiated by the Russian company EuroChem North-West-2 (EKSZ-2) regarding the recognition and enforcement of a Russian judgment in India rendered pursuant to Article 248.1 of the Arbitrazh Procedure Code of the Russian Federation, granted an application for interim measures against the assets of the Italian company Tecnimont S.p.A. In addition, the court also temporarily prohibited Tecnimont S.p.A. from seeking anti-suit injunction against this proceeding, which could potentially pave the way for the recognition of the Russian judgment involving sanctions. The final judgment on the issue of enforcement is expected this year.

4.2.3 In addition to the above, Case No. A40-37401/2025, heard by the Arbitrazh (State Commercial) Court of Moscow city, involves an attempt to recognise in India a Cypriot court's temporary injunction against the disposal of Sberbank's assets; however, the application was denied[2]. The Delhi High Court refused to recognise the judgment of the Cypriot court, ruling that it lacked territorial jurisdiction (CS(COMM) 800/2024); in the appellate court, the applicant withdrew the claims.

5 RECOGNITION OF INIAN COURT JUDGMENTS IN STATE COMMERCIAL COURTS OF THE RUSSIAN FEDERATION

5.1 Despite the existence of an international treaty, there is no established practice of recognition of Indian court judgments in Russia.

5.2 At the same time , when a Russian company filed a claim against an Indian company, the Russian court recognised its lack of jurisdiction to consider the dispute in accordance with the Treaty and terminated the proceedings (Ruling of the Arbitrazh Court of Krasnodar Region of June 26, 2014, in case *No. A32- 14347/2014*). Interestingly, the Russian court considered that the Indian court had exclusive jurisdiction to hear the dispute due to the fact that the defendant is located and established in India, despite the existence of contractual jurisdiction of the Arbitrazh Court of Krasnodar Region over the dispute.

2 *Ruling of the Arbitrazh Court of Moscow city of January 30, 2026, in case No. A40-37401/2025.*

The Russian court interpreted Articles 16(1) and (2) of the Treaty in correlation:

"1. The Courts of a Contracting Party have competence to give judgments on civil and commercial matters if the defendant resides in its territory. As far as claims against a legal person are concerned, the courts of the Contracting Party where this legal person is located, registered, has a branch or carries on business for gain shall have competence.

2. Exclusive competence of courts may not be changed by agreement between the litigants."

It seems that, regardless of how they are interpreted, these provisions do not establish the exclusive competence of Indian courts for all disputes where an Indian legal entity is a defendant in a suit brought by a Russian person.