CC/Devas (Mauritius) Ltd. c. Republic of India: enforcement of commercial arbitration awards against foreign States possible in Canada

April 24, 2019

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Read the decision: CC/Devas (Mauritius) Ltd. c. Republic of India, 2022 QCCS 4785

In December 2022, the Superior Court of Québec issued its first-ever decision on sovereign immunity from suit, clarifying Canadian law on the enforcement of arbitral awards against foreign States in Québec and in Canada. BLG was victorious in having an application from the Republic of India (ROI) rejected by the Court, after the ROI had sought to avoid the recognition and enforcement in Québec of arbitral awards exceeding US$111 million rendered against it in favour of Devas Multimedia investors.

Key takeaway

Even though foreign States often invoke the protection of the *Canadian State Immunity Act* (SIA) to resist enforcement, this judgment establishes that the SIA is not an absolute barrier to the enforcement of arbitral awards against foreign States.

The team from BLG includes Mathieu Piché-Messier, Ira Nishisato, Simon Grégoire, Karine Fahmy, Philippe Boisvert, Amanda Afeich, Dayeon Min, Marc Duchesne, Katia-Maria Medina and Van Khai Luong.

BLG case comment (January 2023).

By

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