

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

April 24, 2019

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

[Thoburn](#)

Services

[Fintech](#)

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

blg.com

BLG Offices

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing unsubscribe@blg.com or manage your subscription preferences at blg.com/MyPreferences. If you feel you have received this message in error please contact communications@blg.com. BLG's privacy policy for publications may be found at blg.com/en/privacy.

© 2024 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.