

### **Review Appeal 56/2025. Granting of Injunctive Relief Against Interim Measures that Stay Arbitral Proceedings and the Issuance of Arbitral Awards**

Mexico City, May 19, 2026

On May 8, 2026, a decision issued by the Tenth Federal Circuit Court for Civil Matters of the First Circuit (the “Federal Circuit Court”) was published in the Federal Judicial Gazette (*Semanario Judicial de la Federación*). The decision arose from a case in which a Mexico City judge had granted several interim measures in favor of one of the parties, including the suspension of the issuance of an arbitral award and the stay of the arbitral proceedings.

In its decision, the Federal Circuit Court held that it is appropriate to grant a definitive stay in amparo proceedings against provisional measures that have the effect of staying arbitral proceedings or preventing the issuance of an arbitral award. The Court reasoned that arbitration constitutes an alternative dispute resolution mechanism protected under Article 17 of Mexico’s Federal Constitution, such that the continuation of arbitral proceedings forms part of the fundamental right of access to justice. This is particularly relevant considering that arbitration is governed by the principle of minimal judicial intervention.

Likewise, the Federal Circuit Court held that a decision granting interim measures aimed at entirely suspending an arbitration through provisional judicial relief may indeed violate public policy. This is because such measures disregard a constitutionally valid alternative dispute resolution mechanism and, without justified cause, replace the parties’ intent as expressed in the arbitration agreement.

The Federal Circuit Court further clarified that the admissibility of the stay cannot be analyzed in an abstract or generic manner. In the case at hand, the District Court had conducted a comprehensive rather than individualized analysis of the interim measures granted, notwithstanding that certain measures (particularly those aimed at staying the arbitral proceedings) could exceed their provisional nature, generate a disproportionate impact on the complainant’s legal sphere, and prove incompatible with the public interest.

In the specific case, the Court concluded that the measures preventing the continuation of the arbitration and the issuance of the arbitral award exceeded the proper purpose of interim measures. By indefinitely staying the arbitral proceedings, such measures lost their provisional nature and effectively resulted in a deprivation of access to arbitration as an alternative dispute resolution mechanism.

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