

**International Commercial Arbitration**

**Time: 3 Hours**

**Maximum Marks : 50**

**Answer any 5 questions. Each question carry Ten marks (5\*10 =50 Marks)**

1. Discuss the scope of 'public policy' as a ground for setting aside an award under the 1996 legislation and also analyze the recent changes brought out by the legislature in this regard
2. Write short notes on
  - a) Bilateral Investment Treaties and International Commercial Arbitration
  - b) Interim measures under Section 9 and Section 17 of the Act
3. X , an Indian company enters into a contract with a Co Y. in London for trade in certain products. The following was the governing law and arbitration clause within the agreement. *“This Agreement will be governed by and construed in accordance with the laws of England. Any dispute, controversy or claim arising out of or in connection with this agreement, including any question regarding its existence, validity, or termination, shall be referred to and finally resolved by binding arbitration under the Rules of Arbitration of the International Chamber of Commerce (the “ICC Rules”), which Rules are deemed to be incorporated by reference into this clause. The place of arbitration shall be London, UK. The language to be used in the arbitral proceedings shall be English. The award shall be final and binding on the parties and may be entered and enforced in any court”*. A dispute arose between the parties, the Tribunal was constituted in London, and an award was passed. The award was in favor of Y. Y filed a petition before the Mumbai High Court for the enforcement of the award under Part II of the 1996 legislation. X, filed an application before the Delhi High Court for the setting aside of the award under Part I of the legislation. Both the petition and the application were filed on April 20<sup>th</sup>, 2010. The matter has come up before the Supreme Court, division bench. Sit as the bench and pass an appropriate order, citing relevant authorities.

(PTO)

4. Write short notes on
  - a) Kompetenz- Kompetenz principle
  - b) Doctrine of separability
5. What is international commercial arbitration? How far has the Indian enactment relating to arbitration followed the principles in the UNCITRAL Model law? Trace the evolution of regulation of arbitration in India.
6. X entered into a commercial agreement with Y. Both parties were Indian parties. The agreement also contained an arbitration clause, where the seat of arbitration was to be in India. Disputes arose between the parties, and a tribunal was constituted per the arbitration clause. X filed a suit before the civil court alleging fraud by Y. Decide the case as the local civil court, citing relevant authorities.
7. What is the seat-venue dichotomy with respect to international commercial arbitration? How have the courts help resolve this issue?
8. Write short notes on
  - a) Domestic award
  - b) Foreign award

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