

Sardar Patel University,
BA, B Com, BBA LLB (Honours) V Years Integrated Law
IX Semester Examination November 2016
Thursday 24 November 2016
10 Am to 12 Pm
UL09CBLH02
Alternate Dispute Resolution

Answer as Instructed

1. Attempt any two problems 5x2=10
 - A. Where both the Parties "H" and "T" had submitted to the Jurisdiction of the arbitrator by filing statement of claim & counterclaim without raising the question of jurisdiction of the Arbitrator, but later "H" Challenged the award on the ground of jurisdiction. Can such challenged be Valid? Under which section? Decide.
 - B. "X" and "Y" referred 2 issues to Arbitration. During the Arbitration, Arbitrator attempted to settle both the issues, after much effort one issue was settled & the Conciliator drafted the Agreement on a paper, according to which "Y" agreed to pay 2,50,000 to "X" Immediately. Was it legal and proper for arbitration to attempt for settlement? What action can be taken by "X" if "Y" failed and neglected to pay the Amount? Support your answer with relevant sections.
 - C. There arose a dispute between the parties as regards the venue of the Arbitration. Under the Arbitration Agreement the decision is to be given by the Arbitration Panel on such issue. The Question before the Supreme Court was whether such decision is appealable? Do you think such a decision is appealable? The Decision given by the Arbitration Panel can it be considered as an "Interim Award" or "Award" explain. Support your answer with relevant sections.
 - D. "A" and "B" enter into arbitration agreement in which there is no Provision as to the payment of interest on the amount of Award in Contract. In absence of such provision in the contract, Do the Arbitrator have the Jurisdiction to grant interest on the Amount of Award? And for what Period & what rate? Support your answer with relevant sections.

2. Discuss in detail the various provision relating to Arbitration Agreement & the Jurisdiction of the Arbitration Tribunal 15

Or

Discuss in detail recommendations of the Law Commission of India for updating the Arbitration Act, 1940 in its 76th Report in November, 1978 15

3. Discuss in detail various Provision relating to the Making of the Arbitral Award and termination of Proceedings. 15

Or

Discuss in detail the History, characteristics, Operating principles, advantages & disadvantages of the Judicial Dispute Resolution. 15

4. Short notes Attempt any two.

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- a. Discuss the Concept of Finality & Enforcement of Arbitral Award
- b. Geneva Convention
- c. Discuss the concept of Lokpal-Lokayukta
- d. Discuss the salient features and reasons for the enactment of the Arbitration & Conciliation Act, 1996

X = X = X

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