

ADR

(3 Hours)

[Total Marks: 100

1. Answer the following questions in not more than two sentences :- 20
- What is the nature of the Award of Lok-Adalat ?
  - What may be the different forms of drawing an Arbitration Agreement?
  - What is Conciliation?
- (d) What are the important international conventions covered by the Part II of the act?
- (e) What is the effect of a void agreement on arbitration agreement?
- Define the term Arbitration?
  - Is it mandatory for an arbitrator to give reasons for the award?
- (h) What is the limitation to file an application to set aside Arbitration Award?
- What is the status of the Conciliation Agreement?
- (j) When the Award is stated to be in conflict with the Public Policy of India?
2. Write short notes on any four :- 20
- Distinguish between Arbitration and Conciliation
  - Arbitration Agreement
  - Appointment of Arbitrators
  - Form and contents of Arbitral Award
  - Settlement Agreement U/s . 73 of the Act
  - Power of Arbitration Tribunal to appoint expert u/s 26.
3. Attempt any two out of the following situational problems :- 12
- (a) "X" and "V" are the two businessmen entered into a contract. X is required to supply certain goods for a certain consideration payable to V. The contract contains an arbitration clause, which provides that if a dispute arises a reference to be made to the Arbitral tribunal. A few months later, V refuses to make the payment to X for the goods supplied because V claims that the goods supplied were of sub-standard quality. X want to resolve the disputes through arbitration, but V has already filed a suit in the court.
- Please advise "X" about the course of action upon to him.
  - Can "V" insist upon the continued court proceedings regardless of the arbitration clause in the contract?
- (b) An award was passed on 10-12-2003 & received by the petitioner on the same date. Application containing objections against execution of the award were filed on 14.11.2004 by the judgement debtor before the learned District judge under section 34 of the Act, 1996.
- Such an application for setting aside an award is maintainable before his learned District judge.
  - If not maintainable why not offer your specific reasons?
  - Write the statutory provisions and citations, if any in support of your answer.
- (c) In a dispute which has arisen between the parties, an arbitrator duly appointed by the parties gave award. A petition u/s 34 for setting aside the award was filed before the principal sub-court, Madurai, which gave a judgement confirming the award.
- Is the judgement passed by the judge, liable to be set aside?
  - Whether the question relating to lack of jurisdiction be raised at the stage of execution or before the Appellate court?
4. Attempt any four of the following :- 48
- What is an Arbitration? Discuss various types of Arbitration?
- (b) What are the interim measures that a court may grant before or during the arbitral proceedings?
- (c) State the Provisions regarding the commencement and conduct of arbitral proceedings.
- (d) Discuss briefly the Geneva convention Awards?
- (e) Explain the provisions relating to the appointment of conciliator and Role of conciliator.
- (f) What do you mean by Lok Adalat ? Discuss the legal effect and benefits of setting disputes by Lok-Adalat ?

[TURN OVER