

Sem. V

ADR

Nov. 2016

Q.P. Code : 305601

( 3 Hours )

[ Total Marks : 100

N.B. : (i) All questions are compulsory.

I] Answer in two to three lines.

[20]

- a) Whether signature of both parties is essential for an arbitration agreement?
- b) What is the status of an oral arbitration agreement?
- c) What is ad-hoc arbitration?
- d) Whether Res-judicata is applicable for arbitration award?
- e) What is mediation?
- f) What is conciliation?
- g) When an arbitral award becomes final award?
- h) Name two important international Conventions under arbitration & conciliation act 1996.
- i) What is settlement agreement?
- j) What is a status of award of Lok - Adalat?

II] Write short notes on any Four.

[ 20 ]

- a) Difference between arbitration & conciliation.
- b) Conciliation Procedure.
- c) Correction, interpretation & addition of arbitration award.
- d) Role of court in appointment of an arbitrator?
- e) Importance of Lok - Adalat.
- f) Status of an arbitration clause in Contract.

III] Solve any Two

[ 12 ]

- 1) XYZ Co. appoints Mr. A as an arbitrator and submitted 4 disputes to him. After settlement of two disputes but before writing an award Mr. A shows his unwillingness to work with Co. and gives letter according to that. XYZ Co. appoints Mr. B as an arbitrator.
  - a) Can be arbitrator Mr. A do so?
  - b) Whether new arbitrator Mr. B should start with new procedure or continues with earlier?
  - c) Whether an arbitrator Mr. A demands for payment of his work?

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- 2) Indian Company makes a contract with Mr. Lobin from Britan as consulting officer in India. Arbitration clause also included in contract. After few months when dispute close, in them. Mr. Goli from Britan appointed as arbitration. Award was drawn in Delhi according to law of India.
- Whether award is foreign award? Why?
  - Whether Consulting services covered under term commercial relationship?
  - If an award takes place in a non conventional country, then what type of award it will be?
- 3) An arbitrators declares an award on subject matter which was not mentioned in arbitration agreement. Both the party having knowledge of this fact provides information to an arbitrator. During the time of enforceability of an award Objection was raised by one of the party and also refuses to pay an arbitrator.
- Is the objection raised by one of the party is sustainable?
  - Can award in above case be considered as valid award if objection was not raised by the party?
  - What is the limitation period to apply for setting aside an arbitral award?

IV] Answer the following any Four. [ 48]

- When award can be set aside.
- Explain in detail Arbitration Tribunal .
- Importance of Lok Adalat in judicial system.
- Conciliation procedure played important role in settlement of dispute.
- Explain foreign award and conventional award with help of two important conventions.
- When and How arbitration proceeding gets terminated?

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