


Name:			
Enrolment No:			
<div><div>UPES</div><div>End Semester Examination, May 2025</div><div><div>Course: International Commercial Arbitration</div><div>Program: LL. M. (ADR/ CCL)-2024</div><div>Course Code: CLCC7005</div></div><div><div>Semester: II</div><div>Time: 03 hrs.</div><div>Max. Marks: 100</div></div></div>			
Instructions: Read all the questions carefully. All questions are compulsory. Write neatly			
SECTION A (5Qx2M=10Marks)			
1	Define ex-parte proceedings in arbitration.	02	CO1
2	Define INCOTERMS.	02	CO1
3	Explain the concept of Emergency Arbitration.	02	CO1
4	Define separability principle in arbitration.	02	CO1
5	Discuss <i>res judicata</i> effect of the award?	02	CO1
SECTION B (4Qx5M= 20 Marks)			
6	Discuss the concept of party autonomy.	05	CO2
7	Discuss UNIDROIT principles of International Commercial Contracts.	05	CO2
8	Explain provisions of Part I of the Arbitration and Conciliation Act 1996 that shall also apply to cases of International Commercial Arbitration.	05	CO2
9	Explain in brief General Principles of Law applicable to International Commercial Arbitration.	05	CO2
SECTION-C (2Qx10M=20 Marks)			
10	The New York Convention of 1958, formally known as the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, is a cornerstone of international arbitration. It obliges contracting states to recognize and enforce arbitral awards made in other contracting states, subject to limited exceptions. Among its key provisions is the distinction between domestic, foreign, and non-domestic arbitral awards distinction	10	CO3

	<p>that often influences how national courts approach enforcement. While the terms may appear similar, their legal implications are significant and have been interpreted differently across jurisdictions, especially in the context of awards rendered under international commercial arbitration agreements.</p> <p>In view of the above, discuss the meaning and scope of a 'non-domestic arbitral award' under the New York Convention, 1958, illustrating your answer with suitable examples.</p>		
11	<p>“While the decision in <i>Bharat Aluminium Co v. Kaiser Aluminium Technical Services</i> (‘BALCO’) case was a step in right direction and would drastically reduce judicial intervention in foreign arbitration, the law commission felt that there were still few areas that are likely to be problematic”.</p> <p>In view of the above, analyze the problematic areas in the decision of Supreme Court in BALCO Case.</p>	10	CO3
<p align="center">SECTION-D (2Qx25M=50 Marks)</p>			
12	<p>The Group of Companies doctrine (“Doctrine”) has been judicially formulated to make arbitration better suited to the commercial realities of the modern-day world. However, the Doctrine was subject to closer examination by the Supreme Court of India in the year 2023.</p> <p>The Supreme Court has passed a judgment in <i>Cox and Kings Ltd. v. SAP India Private Ltd.</i>, which deals with the extent of the application of the Doctrine under Indian law. The Cox and Kings Judgment not only declares the Doctrine to be an intrinsic part of the Indian legal system, but also defines the contours of the Doctrine by guard-railing it from misuse. A three-judge bench of the Supreme Court had referred the ratio of Chloro Controls case to a larger bench for examination with regard to application of ‘Group of Companies Doctrine’.</p>	25	CO4

	<p>“A five-judge bench of the Supreme Court of India in the case Cox and Kings v SAP India Pvt. Ltd. 2023 found that the ratio in Chloro Controls v Severn Trent Water Purification Inc. 2013 was incorrect”. Critically analyze the statement.</p>		
13.	<p>Arbitration has become the preferred mode for dispute resolution because of various advantages offered by it like simple and speedy procedure, low cost, confidentiality, etc. Initially, the Indian Arbitration Act, 1940, governed arbitration in India but because of numerous flaws within the Act, courts started intervening in arbitral proceedings defeating the primary purpose for undertaking arbitration proceedings in the first place. Thus, in 1996, India enacted its new Arbitration and Conciliation Act, 1996' to remedy the faults of the 1940 Act.</p> <p>The 1996 Act was mainly based on the UNCITRAL Model Law on International Commercial Arbitration and the UNCITRAL Arbitration Rules 1976.</p> <p>It had four parts namely Part I, Part II, Part III and Part IV. However, this scheme of the Act has been drastically changed due to judicial innovation by the Supreme Court starting from the case of Bhatia International v Bulk Trading hereinafter called the Bhatia Case.</p> <p>In the above context, critically analyze the case law in brief and the ratio decided by the Supreme Court of India in the case of Bhatia International v Bulk Trading SA.</p>	25	CO4