



**UNIVERSITY OF PETROLEUM & ENERGY STUDIES
DEHRADUN**

End-Semester Examination – April 2017

Program/course: B.B.A.LL.B. (Hons.) [CL]
Subject: International Arbitration
Code: LLBL 152
No. of page/s: 2

Semester: X
Max. Marks: 100
Duration: 3 hours

Section A: (5x2)

1. What is Lex Arbitri?
2. What is a domestic award as per the Arbitration and Conciliation Act 1997?

Section B: (2x10)

3. Write short notes on the following:
 - a) *Competence de la Competence*
 - b) Delocalization

Section C: (2x10)

4. Discuss different approaches to decide the law governing substance of the dispute when the parties have not designated any specific law.
5. What are the limitations on the choice of substantive law in an international commercial arbitration? Discuss.

Section D: (2x25)

6. *"Any dispute arising out of or in connection with this agreement shall be referred to arbitration. The arbitration proceedings shall take place at London and the laws governing the arbitration shall be the Indian Arbitration & Conciliation Act 1996. The Tribunal shall comprise of three arbitrators, two to be nominated by the parties the Chairman shall be appointed by the two arbitrators appointed by the parties. The arbitrators shall act ex aequo et bono."* Based on the above arbitration agreement answer the following, also provide reasoning for your answers;

- 1) The law governing the arbitration procedure?
- 2) Law governing the arbitration agreement?
- 3) Substantive law of the contract?
- 4) Substantive law of the contract, if the agreement was signed in Belgium?
- 5) Law governing the proceedings in case of a conflict between the law of the seat and the law governing the arbitration proceedings.

7. *“Any dispute from this contract shall be referred to arbitration governed by ICC Rules 2012, the seat of arbitration shall be Paris.”* Based on the arbitration agreements answer the following, also provide reasoning for your answers;

- 1) Comment on the scope of the arbitration agreement.
- 2) Comment upon the law governing the proceedings and the law governing the arbitration agreement.
- 3) What shall be the number of arbitrators – whether the question shall be governed by the ICC Rules or the French Code of Civil Procedure?
- 4) Differentiate between the law of the seat of arbitration, venue of arbitration. And where shall be the award considered to have been rendered if the award was signed in Belgium?



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