

Name:
Enrolment No:



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December 2019

Course: Arbitration and Conciliation & ADR Mechanism
Program: B.A.LL.B(Hons.)(Energy Law)
Course Code: LLBL151

Semester: X
Time: 03 hrs.
Max. Marks: 100

Instructions: Adhere to the word limit wherever provided.

SECTION-A

S. No.	Answer the following questions by choosing the right option.	Marks	CO
Q 1	To invoke international commercial arbitration it is necessary that at least one of the parties is: a. a body corporate which is incorporated in any country other than India b. Government of a foreign country c. an individual who is a national of, or habitually resident in any country other than India. d. all of the above.	5	CO1
Q2	Which of the following model law is the Indian Arbitration and Conciliation Act based on? a. Constitution of India b. Guidelines of the Supreme Court of India c. European Commercial Arbitration Procedure d. UNCITRAL, 1985 answer	5	CO1
Q3	Statutory arbitration is: a. imposed on the parties by operation of law b. a compulsory arbitration c. where consent of the parties is not necessary d. all of the above.	5	CO1

Q4	In which of the following cases, the Constitution bench of the Supreme Court held that Indian Courts do not have jurisdiction over arbitral awards seated outside India? a. Bhatia International v. Bulk Trading b. BALCO v. Kaiser Aluminum c. Standard Chartered bank v. HSBC d. None of the above	5	CO2
Q5	An arbitral award made under Part II of the Arbitration and Conciliation Act, 1996 shall be considered as a a. Domestic award b. Foreign award c. General award d. International award	5	CO2
Q6	Arbitral Awards mean- a. Final award b. Interim award c. Both a and b d. None of the above	5	CO1
SECTION B (100-150 words per question)			
Q7	State the composition of the Arbitral Tribunal and explain whether an even number of members of the tribunal would invalidate the award passed by it. State relevant case laws to support your argument.	10	CO2
Q8	“It is a good and fair settlement, when neither party likes the outcome, but agree to it”. Comment stating the essentials of arbitration agreement citing the relevant case law.	10	CO1
Q9	What is pre-deposit clause in an arbitration agreement? What is its validity?	10	CO2
Q10	Give an account of the grounds on the basis of which an arbitral award may be set aside as under the provisions of Sec 34 of ACA.	10	CO1
Q11	Explain the importance of ADR mechanism along with the different kinds of Arbitration.	10	CO3
SECTION-C(300-500 words)			

Q12.	Arbitration has emerged as one the favorite Alternative Dispute Redressal mechanisms on the world stage. An increasing number of business organizations are opting for Arbitration as the preferred method for resolving their disputes. But the challenges involved in enforcing an Arbitral Award are plenty. Despite the Constitution of India advocating for the resolution of disputes through Arbitration, the enforcement of a Foreign Arbitration Award still remains a major challenge in India. Comment.	20	CO4
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