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| <b>Name:</b>         | <br><b>UPES</b><br>UNIVERSITY WITH A PURPOSE |
| <b>Enrolment No:</b> |  |

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| <b>UNIVERSITY OF PETROLEUM AND ENERGY STUDIES</b>     |                        |
| <b>Online End Semester Examination, December 2020</b> |                        |
| <b>Course: International Commercial Arbitration</b>   | <b>Semester: IX</b>    |
| <b>Program: BBA LL.B (Hons.) (Corporate Law)</b>      | <b>Time 03 hrs.</b>    |
| <b>Course Code: LLBL581</b>                           | <b>Max. Marks: 100</b> |

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| <b>SECTION A</b>   |  |
| <b>1. Each Question will carry 5 Marks</b><br><b>2. Instruction: Complete the statement / Select the correct answer(s)</b> |  |

| S. No. | Question   | CO  |
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| Q 1    | Explain the difference between an Order and an Award rendered in International Commercial Arbitration proceedings. | CO3 |
| Q2     | Briefly mention about any 2 International Arbitral Institutions.   | CO1 |
| Q3     | Who developed Hybrid Theory of International Commercial Arbitration?   | CO4 |
| Q4     | LCIA Rules provide for challenge of arbitrators on the basis of which two grounds?<br><br>—                        | CO3 |
| Q5     | Enumerate the steps that are followed in international commercial arbitral proceeding.                             | CO2 |
| Q6     | When did IBA adopt Rules on the Taking of Evidence in International Commercial Arbitration?                        | CO1 |

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| <b>SECTION B</b>  |  |
| <b>1. Each question will carry 10 marks</b><br><b>2. Instruction: Write short / brief notes</b> |  |

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| Q 7 | What is the status of arbitrators as per hybrid theory and autonomous theory? | CO3 |

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| Q 8  | Enumerate and explain the essential requirements of drafting an international commercial arbitration agreement.         | <b>CO5</b> |
| Q 9  | Explain the qualifications of the arbitrator in international commercial arbitration and the method of their selection. | <b>CO2</b> |
| Q 10 | Explain the “Default of Appearance” in case of claimant and respondent during the arbitral proceedings.                 | <b>CO4</b> |
| Q 11 | Elaborate on presentation of documentary evidence during the international commercial arbitration proceedings.          | <b>CO5</b> |

**Section C**

- 1. Each Question carries 20 Marks.**
- 2. Instruction: Write long answer.**

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| Q12 | <p><i>“A party that has lost before an arbitral tribunal faces an uphill battle if it wishes to set aside or vacate the award. Courts rarely overturn an arbitral award. Because arbitral awards are considered to be final and binding, for the most part they cannot be challenged on the merits, but only on procedural grounds or grounds of arbitrator misconduct or bias. One of the touted advantages of an arbitration is the finality of the award, and arbitration laws and rules support finality by making it difficult to set aside an award. Nonetheless, there are steps that can be taken by a determined party that believes the award was improperly made.”</i></p> <p>On the basis of above paragraph, answer the following questions:</p> <ol style="list-style-type: none"> <li>a) Explain the types of awards that can be pronounced in International Commercial Arbitration.</li> <li>b) Describe the process of challenging the final arbitral award.</li> <li>c) Explain the grounds of challenging the final arbitral award.</li> </ol> | <b>CO3</b> |
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