

Name:	 UPES UNIVERSITY WITH A PURPOSE
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, May 2020

Course: BBA, LL.B. (Hons.) Corporate Laws 2015
Program: Arbitration, Conciliation & ADR Mechanisms
Course Code: LLBL461

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

Instructions: 1) Mention Enrolment No at the appropriate place in the question paper.
2) No student will leave the room till one hour from the commencement of examination.
3) All sections are compulsory.

SECTION A
(Low difficulty level questions)
Multiple Choice Questions

S. No.		Marks
Q.1.	Multitier arbitration clause means that there are: 1. Multiple Parties 2. Multiple means of Dispute resolution. 3. Multiple Disputes 4. Multiple Arbitrators	05
Q.2.	In ONGC Ltd. v Saw Pipes Ltd, a fourth dimension of public policy was propounded modifying the scope of public policy given in Renusagar Power Co case. What was the fourth addition made to public policy by the court in ONGC Ltd v Saw Pipes case?: 1. Fundamental Policy of Indian Law. 2. Interest of India. 3. Justice or Morality 4. Patent Illegality	05
Q.3.	In which judgment, the Supreme Court said that Part I & Part II of the ACA 1996 are mutually exclusive: 1. M/S Centrotrade Minerals case 2. Chloro Control Case 3. Bhatia International Case	05

	4. Balco Case	
Q.4.	<p>In which one of the following cases, the Supreme Court said that a special law would have overriding effect on a general law such as ACA 1996 in the matter of appointment of arbitrator.</p> <ol style="list-style-type: none"> 1. Sukanya Holding Case 2. Kochi Cricket Case 3. NHAI v Sayedabad Tea Company 4. K.K.Modi v K. N. Modi 	05
Q.5.	<p>Part III of ACA 1996 deals with :</p> <ol style="list-style-type: none"> 1. Conciliation 2. Mediation 3. ADR 4. Arbitration 	05
Q.6.	<p>In which one of the following cases, the Supreme Court said that no Letters Patent Appeal (LPA) will lie against an order which is not appealable under Section 50 of the ACA 1996:</p> <ol style="list-style-type: none"> 1. ONGC v Saw Pipes Case 2. Chloro Control Case 3. Fuerst Day Lawson Ltd. 4. GMR Energy Case 	05

SECTION B
(Mid difficulty level questions)

S. No.		Marks
Q 6.	Discuss Conciliation.	10
Q 7.	Define Separability Principle.	10
Q 8	Enumerate ten non-arbitrable disputes.	10
Q 9	Can court grant stay on redemption of a bank guarantee in possession of a party in a case decided through arbitration? Explain.	10
Q 10.	Discuss ratio in the case Sukanya Holdings Pvt Ltd. v Jayesh H Pandya & another decided by Supreme Court.	10
	OR	

	Explain appealable orders under Arbitration and Conciliation Act 1996 and mention the name of a case.	
SECTION-C (CASE STUDY)		
Q 11.	<p>In a recent judgment in BCCI v Kochi Cricket Pvt Ltd, the Supreme Court dealt with the interpretation and applicability of Section 26 of the Arbitration and Conciliation (Amendment) Act, 2015 (Amendment Act) in relation to: (a) arbitration proceedings; and / or (b) legal proceedings in connection with such arbitration proceedings.</p> <p>A number of appeals were heard together as they dealt with the same question of law. The facts which are relevant arise from the first appeal viz. Board of Control for Cricket in India vs. Kochi Cricket Pvt. Ltd. and Ors. Pursuant to a franchise agreement, certain disputes arose between the parties resulting in the respondents initiating arbitration proceedings. The arbitrator appointed passed two arbitral awards dated June 22, 2015 in favor of the respondents. BCCI challenged the said awards under Section 34 of the Arbitration and Conciliation Act, 1996 (Act). The respondents, thereafter, filed execution applications in connection with the said awards on November 26, 2015. The BCCI, through chamber summons, resisted the execution applications on the ground that Section 36 of the Act (as unamended) would be applicable and that there would be an automatic stay until its own Section 34 applications were disposed of. The Single Judge ruled that the amended Section 36 would apply (as opposed to the unamended Section 36) and, hence, no automatic stay could be pleaded.</p> <p>1. Explain the applicability of amended Section 36 of the Act and the provisions of automatic stay of arbitral award in the light of Section 26 of Arbitration and Conciliation (Amendment) Act 2015 as given by the Supreme Court in this case.</p> <p>2. Critically analyze the Kochi judgment.</p>	<p style="text-align: right;">10</p> <p style="text-align: right;">10</p>