

Name:

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.	In which case the constitutional validity of Section 87 was challenged. 1. BCCI v Kochi Case 2. NHAI v Sydebad Tea Company 3. K.N.Modi v. K.K.Modi 4. HCC v. Union of India	05
Q.2.	In which one of the following Cases the Supreme Court ruled that automatic stay of award cannot be claimed as a vested right under section 6 of General Clauses Act, because enforcement is purely procedural and not substantive. 1. Sukanya Holdings 2. BCCI v Kochi Cricket 3. Associate Builder Case 4. GMR Energy Case	05
Q.3.	Under which Article of the constitution of India, ADRM derives its Constitutional Support. 1. Article 39A & 21 2. Article 21 3. Article 39A	05

	4. Article 32	
Q.4.	Mediation as a method of ADRM draws its statutory support from which one of the following laws. 1. Limitation Act 1963 2. Arbitration and Conciliation Act 1996 3. Law of Contract 1872 4. None of the above	05
Q.5.	Which one of the following early laws dealt with the relevance of public policy. 1. Indian contract Act 1872 2. Arbitration Act 1940 3. Arbitration (Protocol & Convention) Act 1937 4. None of the above	05
Q.6.	M/s Centro Trade Mineral v Hindustan Copper Ltd. dealt with one of the following issues. 1. Public Policy Issue 2. Legality of two-tire arbitration procedure 3. Setting aside an award under Geneva Convention 4. Non-Arbitrable dispute	05

SECTION B
(Mid difficulty level questions)

S. No.		Marks
Q 1.	Define <i>Lex Arbitri</i> and applicable law.	10
Q 2.	Discuss mediation.	10
Q 3.	Compare scope of Section 9 & Section 17 of Arbitration and Conciliation Act 1996.	10
Q 4	Discuss the scope of Section 34 of Arbitration and Conciliation Act 1996, through an example of a case law.	10
Q 5.	Discuss power of a civil court to refer a case to arbitration in the absence of an arbitration agreement. OR Critically examine formation of Arbitration Council of India and provision for Grading of Arbitral Institutions under 2019 Amendment Act.	10

**SECTION-C
(CASE STUDY)**

Q 12.	<p>Renusagar Power Plant Ltd. had entered into a contract with General Electric Co., a company of New York in the USA under which it had to supply equipment and power services for setting up a thermal power plant. The Government of India approved the contract. All the items were to be delivered in 15 months from the effective date and the completion of the plant was to be done within 30 months.</p> <p>The contract provided for payment in installments and required execution of unconditional negotiable promissory notes for all the installments. The contract contained an arbitration clause, which provides that any disagreement arising out of the contract where the parties are unable to resolve by sincere negotiation shall be settled in accordance with the Arbitration Rules of the International Chamber of Commerce (ICC). It seems there was some delay on the part of General Electric in adhering to the time schedule for the supply of equipment and consequently, Renusagar rescheduled the payment installments and certain installments were unpaid under due dates.</p> <ol style="list-style-type: none">1. Discuss the ratio laid down by Supreme Court of India in Renusagar Power Plant Co. Ltd v. General Electric Co.2. Compare the ratio laid down in Renusagar Case with the ratio laid down in the case of ONGC v Saw Pipes.	<p style="text-align: right;">10</p> <p style="text-align: right;">10</p>
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