



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES  
End Semester Examination, December 2021

Course: International Commercial Arbitration  
Programme: BBA LL.B (Hons.) (IBFIT/ITIL)  
Time: 03 hrs.

Course Code: CLIN5003  
Semester: IX  
Max. Marks: 100 Marks

**Instructions:**

As this examination is in online mode with open book system, the students are expected to demonstrate a very high degree of Academic Integrity and not copy contents from resources referred. Instructors would look for understanding of the concept by the students and any similarity found from resources online/ offline shall be penalized in terms of deduction of marks and even cancellation of paper in requisite cases. The online examination committee of the School would also look for similarity of two answer scripts and if answer scripts of two or more students are found similar, both the answer scripts shall be treated as copied and lead to cancellation of the paper. In view of the aforesaid points, the students are advised that they should desist from using any unfair means.

**SECTION A**  
(Type the answers in test box)

Objective Type Questions/Definitions/fill in the blanks

5Qx2M=10 Marks

| Q. No. |  | Marks | CO   |
|--------|--|-------|------|
| 1      | Describe the standard of proof admissible in arbitral proceedings. | 02    | CO 1 |
| 2      | Identify the meaning of partial and interim awards.                | 02    | CO 1 |
| 3      | Outline <i>res judicata</i> effect of the award.                   | 02    | CO 1 |
| 4      | Reproduce two important features of New York Convention 1958.      | 02    | CO 1 |
| 5      | Define <i>depechage</i> .  | 02    | CO 1 |

**SECTION B**  
(Scan and upload)

(Conceptual based question)

4Q x5M=20 Marks

| Q. No. |  | Marks | CO   |
|--------|--|-------|------|
| 1      | Discuss the meaning of expedited procedures in the context of international arbitration. | 05    | CO 2 |
| 2      | Explain the meaning of trade usages.   | 05    | CO 2 |
| 3      | Explain <i>competence-competence</i> doctrine?   | 05    | CO 2 |
| 4      | Explain in brief restrictions on party autonomy.   | 05    | CO 2 |

**SECTION-C**  
*(Scan and upload)*

(Descriptive/Analytical Questions)

2Qx10M=20 Mark

| Q.No. |  | Marks | CO   |
|-------|--|-------|------|
| 1     | Describe the concept of <i>lex mercatoria</i> and its applicability in modern International arbitration.   | 10    | CO 3 |
| 2.    | Describe the Applicable (Substantive) Law in International Commercial Arbitration with regard to concurrent laws, Transnational laws and Equity. | 10    | CO 3 |

**SECTION-D**  
*(Scan and upload)*

(Case Studies/ Application Based Questions)

2Qx25M =50 Marks

| Q.No. |   | Marks | CO   |
|-------|---|-------|------|
| 1     | Illustrate the ratio laid down in the case of Chloro Controls India Pvt. Ltd. v Severn Trent Purification Inc and also discuss the obiter laid down in this case. | 25    | CO 4 |
| 2.    | Write the ratio decided/clarified by an Indian court in the light of its judgement in the case of Daiichi v Ranbaxy.  | 25    | CO 4 |