

(3 Hours)

(Total Marks : 100)

Please check whether you have got the right question paper.

ATKT.

- N.B.: 1) All questions are compulsory.
2) Give proper explanation wherever necessary.
3) Figures to the right indicate full marks.

1. Answer in one to two sentences : (20)
- Express the term "Arbitration Agreement".
 - What is 'Foreign award'?
 - What is 'Interim award'?
 - Define Lien on award?
 - What is non-speaking award?
 - Who is Presiding Arbitrator?
 - What should be the nationality of an Arbitrator?
 - How many number of conciliators can be appointed by the parties?
 - What is the date of commencement of an Arbitral Proceedings?
 - Whether Res-judicata is applicable to award of Lok-Adalat?
2. Write short note (Any Four) : (20)
- Appointment of an Arbitrator.
 - Termination of an Arbitral Proceedings.
 - Conciliation Procedure.
 - Settlement Agreement.
 - Role of Court in Arbitration & Conciliation Proceedings.
 - Working Process of Lok Adalat.
3. Write Answer (Any Two) : (12)
- Mr. A, Mr. B and Mr. C are the three arbitrators appointed by parties in dispute, signs an award and demands for cost of Arbitration proceedings.
 - How many Arbitrators should sign the award? Why?
 - What are the Powers of an arbitral tribunal for fixation of cost of Arbitration?
 - What does cost includes?

- b) Mrs. Gauri's name was mentioned as an arbitrator in the arbitration agreement between the parties. After having a dispute, parties appointed Mr. Ganesh as an arbitrator. After few months Mr. Ganesh shows his unwillingness to work, so both parties appointed Mr. Chetan as an arbitrator.
- 1) Can Mrs. Gauri take any action against parties? Why?
 - 2) Can Mr. Ganesh submit his resignation during arbitration procedure?
 - 3) Whether Mr. Chetan has to work from initial stage of arbitration.
- c) Mr. Ram filed a suit in court against Mr. Shyam but the court has referred it to Lok Adalat. However, Mr. Ram doesn't want to settle it in Lok Adalat.
- 1) Can court refer a case for settlement in Lok Adalat?
 - 2) Can Mr. Ram challenge courts decision about reference to Lok Adalat? Why?
 - 3) What is the procedure for settlement of dispute outside the court?

4. Write Answer (Any Four) :

(48)

- 1) When an Arbitral award can be set aside?
 - 2) Explain the procedure of Lok Adalat.
 - 3) Explain the concept of Foreign award with the help of two conventions.
 - 4) Explain in detailed conciliation procedure.
 - 5) What are the powers of Arbitral tribunal to proceed Ex Parte? Discuss with the help of decided cases.
 - 6) What are the provisions relating to correction, interpretation & additional award?
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(3 Hours)

11/6/17

Marks : 100

Sem - X

NB : (1) All questions are Compulsory.

1. Write not more than two sentences. 20
- Define Arbitration Agreement.
 - Lok adalat is also called as _____.
 - Define Arbitration Award.
 - What is Interim Award?
 - How is conciliator appointed?
 - Define Lien on Award.
 - What is foreign award?
 - What should be the number of Arbitrators in tribunal?
 - Can a couple appoint Arbitrator on wife's application for divorce?
 - What is status of arbitration clauses in a void agreement?
2. Write short notes on (Any Four) 20
- New York convention.
 - Foreign award
 - Place of arbitration
 - Conciliation Agreement
 - Arbitral Proceedings
 - Conciliation
3. Answer **any two** of the following : 12
- One party in Arbitration desire to examine a rationing officer and engineer of the Municipal corporation. Therefore has made application before the Arbitrator.
 - Can the arbitrator require them to come and give evidence?
 - Explain the procedure required to be follow in such case.
 - Mr. Ram and Mr. Shyam had appointed an arbitrator for their present dispute.
 - What will happen if Mr. Ram dies during procedure ?
 - What will be the effect if appointed arbitrator dies during Arbitration process?
 - One of the party is not satisfied with an award declared by Arbitrator.
 - What can a party do in such case?
 - What is the remedy available to the party in above situation.
4. Attempt **any four** : 48
- When award can be set aside?
 - Importance of Lok adalat in Judicial system.
 - Write in detail about Arbitrator.
 - Discuss briefly the provisions governing conduct of arbitral proceedings.
 - Explain :- Appointment of Conciliator.
 - Distinguish between Arbitration and conciliation
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