

Roll No.....

NATIONAL LAW UNIVERSITY, DELHI

LL.M. Degree Programme, II-Semester (Batch of 2018)

End-Semester Examinations, April - 2019

Paper: Advanced Course on Arbitration

Time: 3:00 Hours

Total Marks: 50

Instructions:

1. Read the questions carefully and answer.
 2. Attempt All Questions.
 3. No clarification shall be sought on the question paper.
 4. Do not write anything on the question paper except your roll no.
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- Q1.** Critically decide the sufficiency of the test laid in respect of the concept of arbitrability in the landmark judgment of the Supreme Court of India in *Booz Allen Hamilton v. SBI Home Finance* (2011) 5 SCC 532. **(8 Marks)**
- Q2.** Investment Arbitration permits an individual or corporate entity to raise claims before an international arbitral tribunal against the State with which it has an investment dispute. There has been much debate among scholars concerning how this novel possibility is to be viewed and understood. Critically discuss the two dominant theories that have been forwarded to understand and explain the possibility. Clearly highlight the major rationale forwarded by scholars in support of both the theories. **(5 Marks)**
3. Critically analyse the effect seat of arbitral tribunal can have on the various aspects of arbitration proceedings (both domestic and ICA) against the backdrop of the contemporary debate between localised and delocalised arbitration. Give special reference of Indian laws and decisions in support of your answer. **(10 Marks)**
4. Can a non-signatory party be treated as party to an arbitration agreement under Arbitration and Conciliation Act, 1996 and under UNCITRAL Model Law? **(7 Marks)**
5. Write Short notes on: **(5*4=20Marks)**
- a. Role of tribunal in choosing the substantive law governing the dispute
 - b. Enforcement of annulled arbitral awards
 - c. Role of Emergency Arbitrators
 - d. Relevance of IBA Guidelines on Conflict of Interest in India