INTERNATIONAL COMMERCIAL ARBITRATION

Week 1- Introduction to Int’l Commercial Arbitration
- Dispute resolution in international trade
- Concept and nature of arbitration
- Important terms used in international commercial arbitration
- The hybrid nature of arbitral process
- Types of arbitration

Readings

Cases-
- TDM Infrastructure Pvt. Ltd vs. UE Development Pvt. Ltd. [2008 (2) ARBLR439 (SC)]
- R.M. Investment Trading V. Boeing Co AIR 1994 SC11


Week-2-Arbitrability
- Arbitrability
- Comparative study of judicial decisions on arbitrability

Readings

Cases-


Week-3-Arbitration Agreement
- Significance of agreement in arbitration
- Forms of arbitration agreement
- Functions of an arbitration agreement
- Definition and Requirements of a valid arbitrations agreement
- Foreign Arbitration Agreement

Readings

1 Course Teacher: Anirban Chakraborty, Assistant Professor
Cases-
- Gas Authority of India Ltd. vs. Spie Capag, S.A. and others, AIR1994Delhi75


Week-4- Arbitration Agreement Contd.
- Autonomy of an arbitration agreement
- Indian position on autonomy of arbitration agreement

Readings
Cases-


(*** ) Deadline for submission of a short outline of the research paper for LL.M students

Week-5- Complex web of laws and rules governing Int’l. Commercial Arbitration
- Types of laws applicable in international commercial arbitration
- Governing law of arbitration
- Law applicable to the substantive issues
- Law governing arbitration agreement
- Law of enforcement and recognition of foreign arbitral award
- Arbitration Rules
- A comparison between institutional versus ad-hoc rules of arbitration

Readings
Cases-
- N T P C v. The Singer Company, AIR 1993 SC 998
- Cvd [2007] EWHC1541(Comm)
- Citation Infowares Ltd. vs. Equinox Corp.(2009) 7 SCC 220


Week-6- Enforcing the choice of law clause
- Choice of law ( Seat Theory)
- Party autonomy
- Choice of national law.
- Choice of national principles
- Conflict Rules

Readings
Cases-
- N T P C v. The Singer Company, AIR 1993 SC 998


Week-7- Regulating Int’l Commercial Arbitration
- An introduction to UNCITRAL Model law on International Commercial Arbitration
- Judicial intervention to arbitration under UML
  a. Reference to arbitration
  b. Interim measures

Readings
Cases-
- Shin-Etsu Chemical Co. Ltd. v. Aksh Optifibre Ltd., (2005) 7 SCC 234
- Channel Tunnel Group Ltd. vs. Balfour Beatty Construction Ltd.(1993) AC 334


Week -8- Regulation contd.
- Jurisdiction of arbitral tribunal
- Theory of competence-competence

Readings
Cases-
- Renu Sagar Power Co v General Electric Co. [1984 (4) SCC 679 ]
- Harbour vs. Kansa (1993) 3 All ER 897


Week-9- Regulation contd.
- Appointment of arbitrators
- Independence and impartiality of the tribunal
- Powers and duties of international arbitrators
- Removal of arbitrators

**Readings**

**Cases**
- **SBP & Co v. Patel Engineering Ltd. (2005) 8 SCC 618**
- **Citation Infowares Ltd. vs. Equinox Corp.(2009) 7 SCC 220**

**Statutory text**

*IBA Guidelines on Conflict of Interest in International Arbitration, Approved by IBA Council on May 27 2004*


**Week-10- Regulation contd.**

- Arbitral Process
- Arbitral Awards

**Readings**

**Cases**
- **Channel Tunnel Group vs. Balfour Beatty Ltd. (1993) AC 334**

**Statutory text**

*IBA Rules on the taking of evidence in International Commercial Arbitration, Approved by IBA Council on 1 June 1999.*


**Week-11- Challenge of arbitral awards**

- Method of Challenge
- Grounds of Challenge

**Readings**

**Cases**
- **ONGC Ltd. v. Saw Pipes Ltd. (2003) 5 SCC 705**
- **OAO Northern Shipping Co v. Remolcadores De Marin SL ‘Remar’ (2007) EWHC 1821**
- **Thyssen Canada Ltd. v. Mariana Maritime SA and another (2005) EWHC 219**

(***Deadline for submission of the final draft of the research paper for LL.M students***

**Week-12- Recognition or enforcement of foreign arbitral awards**
The International Conventions for recognition and enforcement of arbitral awards
Reciprocity and commercial reservation
Indian law- scope and applicability
Foreign award- meaning
General policy for review foreign award in India
Grounds for refusal of recognition and enforcement of a foreign award
Recognition and enforcement of annulled awards

Readings
Cases-
- Centrotrade Minerals and Metal Inc. vs. Hindustan Copper Ltd. (2006) 11 SCC 245