

Run By Shorthand Dictation Legal Matters

Since 2005

(Sir Isaac Pitman's Shorthand)

Krishna Shorthand Institute

कृष्णा आशुलिपिक संस्थान

(English Only) By. A.V. Kushwaha

(For Govt. Jobs, SSC (Group D & C), Supreme Court, High Court, District Courts, ASRB, CRPF, Railway, CBSC & all other departments requiring "English Stenographer/Personal Assistant/Private Secretary")

(87, Sulem Sarai, Prayagraj, Uttar Pradesh)

(Contact No. 7355504435)

Note: You will get following:

- 1. Passage (in two parts)**
- 2. Important Outlines**
- 3. Important Vocabulary**
- 4. Accuracy Building Tips etc.**

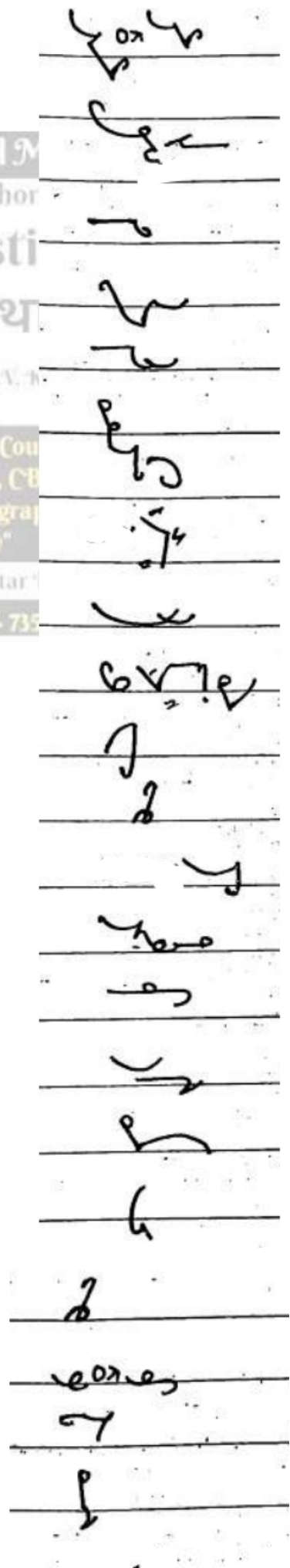
Topic: Arbitration

Volume 1: Dictation No. 11

He submitted that this view taken by the learned District Judge is contrary to the decision of the Supreme Court in Bhatia International vs. Bulk Trading, in which it has been held that the Indian Act applied to the arbitration which are held in India between the Indian Nationals as well as to international commercial arbitrations whether held in India or out of India. He also cited the decision of the Gujarat High Court in Nirma Ltd. vs. GMBH, Germany, in which a Division Bench of the Gujarat High Court has taken a view that when the agreement between the parties was governed by the Indian law, then the application for setting aside the award made outside the country can also be filed in a Court in India under Section 34 of the Indian Act. He submitted that since the agreement between the parties was governed by the Indian law, the learned District Judge should have held that the applications for setting aside the awards could be filed under Section 34 of the Indian Act before the learned District Judge at Bilaspur.

Mr. Mukherjee, learned counsel appearing for the appellant further submitted that Article 22 of the agreement between the parties provided that the agreement will be governed by the prevailing law of India and, therefore, parties to the agreement have chosen the prevailing law of India as the law governing the rights of the parties. He submitted that since the substantive rights of the parties to the agreement are to be governed by the law prevailing in India, even though the arbitration has taken place and the awards have been made in England can be challenged in a Court in India by an application under Section 34 of the Indian Act. He submitted that in the case of Bhatia International vs. Bulk Trading (supra), the Supreme Court has laid down the test that if a Court has jurisdiction to entertain an application under Section 9 of the Indian Act, it would also have jurisdiction to entertain an application under Section 34 of the Indian Act to set aside an award made by the arbitrator. He argued that in the present case since the cause of action in connection with the subject matter of the jurisdiction arose within the jurisdiction of the District Judge at Bilaspur. The District Judge at Bilaspur had the jurisdiction to entertain the application under Section 9 of the Indian Act and accordingly also under Section 34 of the Indian Act to set aside the award.

for the appellant
further submitted that
Article
governed
prevailing
governing
substantive
arbitration
Bhatia
International
v. Bulk Trading (supra),
laid down
jurisdiction
entertain
in the present case
cause of action
in connection with the
subject matter
within the
jurisdiction
under Section
accordingly
set aside the



(Increase your vocabulary:

Learn New and Important Words of the Matter)

Keep revising all new words learned.

Legal/General Matter (Legal Vocabulary Building)

1. **Proceeding: (noun) legal action in court** कार्यवाही
2. **It is pertinent: (phrase) it is relevant** यह प्रासंगिक है
3. **Adjudicate: (verb) to decide officially** निर्णय देना
4. **Miscellaneous: (adjective) various types** विविध
5. **Arbitration and Conciliation: (noun phrase) dispute resolution method** मध्यस्थता और सुलह
6. **Hereinafter referred to as: (phrase) hereafter called** इसके बाद संदर्भित
7. **Executed: (verb) signed formally** निष्पादित किया
8. **Installed: (verb) set up** स्थापित किया
9. **Equipment: (noun) tools/machines** उपकरण
10. **Upgradation: (noun) improvement** उन्नयन
11. **Arbitral tribunal: (noun phrase) arbitration panel** मध्यस्थता न्यायाधिकरण
12. **Awards: (noun) arbitrator's decisions** पंचाट

13. **Setting aside:** (verb phrase) cancelling रद्द करना
14. **Respectively:** (adverb) in order mentioned क्रमशः
15. **Foreign awards:** (noun phrase) awards made abroad विदेशी पंचाट
16. **Tenable:** (adjective) defensible रक्षणीय
17. **Aggrieved:** (adjective) wronged पीड़ित
18. **Impugned order:** (noun phrase) challenged order विवादित आदेश
19. **Maintainable:** (adjective) legally sustainable स्वीकार्य
20. **Whatsoever:** (adverb) at all कुछ भी
21. **Respective:** (adjective) belonging separately संबंधित
22. **Pleadings:** (noun) formal court statements अभिवचन
23. **Undertaken:** (verb) carried out किया गया
24. **Set aside:** (verb phrase) to cancel रद्द करना
25. **Relied on:** (verb phrase) depended on भरोसा किया
26. **Proceeded:** (verb) continued आगे बढ़ा
27. **Contrary:** (adjective) opposite विपरीत
28. **Vs.:** (abbreviation) versus बनाम

29. Arbitrations: (noun) dispute settlements
मध्यस्थताएं

30. Cited: (verb) referred to उद्धृत किया Example: He cited a Supreme Court case.

Accuracy Mantra: Don't confuse or transcribe following words and be very attentive while transcribing above word.

31. Sited: (verb) located स्थित किया Example: The plant was sited in Korba.

32. Sighted: (verb) seen देखा Example: The document was sighted by the judge.

By Sir AV Kushwaha,

Principal,

Krishna Shorthand Institute,

via online Telegram Class through

7355504435