

Unofficial translation

Date: 22/10/2008

Judgment No.: 8709970228798

Case No.: 8609980228700327

General Court of Tehran, Chamber 27

Plaintiff: Corporation A represented by Mr. G and Mr. H

Defendant: Corporation B represented By Mr. X, and Mr. Y

Claim: Annulment of Arbitral Award (London)

Phase of Procedure

The Plaintiff sought to annul the arbitral award rendered in favour of the defendant. After being referred to this Chamber, the case was registered with the aforesaid number and held under the supervision of the below signatory in the time designated by the Court. The Court declares the proceedings closed and holds the following judgment:

Judgment of the Court

Corporation A, represented by Mr. G and Mr. H, has filed an application to annul the arbitral award (including litigation costs) rendered in favour of Corporation B, later represented by Mr. X and Mr. Y, under the auspices of the London Court of International Arbitration. The Court heard the statements made by the parties' lawyers requesting further time to reach a compromise, but refused the request as the Court had already rescheduled the hearing once. The parties' request to hold a further hearing is not legally authorized under article 99 of the Civil Procedure Code and, in addition, the lengthening of the civil procedure is not acceptable given that, on the one hand, State judges do not have jurisdiction to consider the substance of the dispute given that the parties have agreed to submit their disputes to arbitration and, on the other hand, courts can avoid recognising and enforcing arbitral awards rendered in other states based on national provisions and international conventions, but cannot, given the respect to be attributed to national sovereignty, annul arbitral awards issued in other jurisdictions.

Therefore, the Court is of the view that the annulment requested by the plaintiff's lawyers cannot be granted. Considering the Civil Procedure Code, an order would not be appropriate and therefore, pursuant to article 2 of the Civil Procedure Code and paragraph 1 of article 5 of the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, which has been approved by the Iranian State by virtue of a one-article act, the Court dismisses the plaintiff's annulment request. This order is appealable in the provincial Court of Tehran within 20 days from its communication.

Head of Chamber 27 of General Court of Tehran