

334-82

STATES CLAIMS TRIBUNAL

دیوان داری دعاوی ایران - ایالات متحد

۳۳۴-۸۲

ORIGINAL DOCUMENTS IN SAFE

82

Case No. 334

Date of filing: 26 Nov 86

** AWARD - Type of Award _____
- Date of Award _____
_____ pages in English _____ pages in Farsi

** DECISION - Date of Decision _____
_____ pages in English _____ pages in Farsi

** CONCURRING OPINION of _____
- Date _____
_____ pages in English _____ pages in Farsi

** SEPARATE OPINION of _____
- Date _____
_____ pages in English _____ pages in Farsi

** DISSENTING OPINION of _____
- Date _____
_____ pages in English _____ pages in Farsi

** OTHER; Nature of document: Declaration of H. Bahrami

- Date 26. Nov 86
2 pages in English _____ pages in Farsi

IRAN UNITED STATES CLAIMS TRIBUNAL		دیوان دآوری دعاوی ایران - ایالات متحدہ	
ثبت شد - FILED			
Date	26 NOV 1986	تاریخ	
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No.	334	شماره	

IN THE NAME OF GOD

CASE NO. 334

CHAMBER TWO

AWARD NO. 271-334-2

COSMOS ENGINEERING, INC.,
Claimant,

and

MINISTRY OF ROADS AND
TRANSPORTATION,

Respondent.

Declaration of Hamid Bahrami Regarding
Award No. 271-334-2

I am not intending to render a separate or dissenting opinion regarding the above captioned award due to my concurring view as to the merit of the case. I believe that the Tribunal on the merit has come up with a thorough assessment of the amount owed to the claimant, based on the evidence on record.

However, the Tribunal in this case has also disposed of several legal issues based on its own precedent

regarding which I have already issued my detailed dissenting opinions. The followings are the main legal points which I have been consistently objecting:

1- As I have explained in my opinion note dated October 20, 1986, I believe that the underlying contract does in fact contain an Iranian forum selection clause and the Tribunal was not justified to assume jurisdiction in this case.

2- Refusing the Respondent's tax counterclaims based on the argument that such counterclaims are arising out of Iranian Tax Laws is not justified as I have elaborated fully in my dissenting opinion regarding case No. 68.

3- Similarly as I have explained in my dissenting opinion on Case 68 above, based on the principle of the "currency of contract" the Tribunal should have applied the rate of exchange applicable at the date of rendering the award.

4- The Tribunal is not justified to render any award on interest pending the disposal of the issue under Case A/19 by the Full Tribunal.

The Hague, 5 Azar 1365/26 November 1986

A handwritten signature in black ink, consisting of a large, loopy 'H' followed by a smaller, more compact 'A' and a final flourish.

Hamid Bahrami Ahmadi