

رسیدہ در تاریخ
20 JAN 1984
RECEIVED ۱۳۶۲ / ۱۰ / ۲۰

Re: Motion by Iran MCA Ltd.

DECISION NO.

DEC 31-425-1

DECISION

IRAN UNITED STATES CLAIMS TRIBUNAL	دادگاه داوری دعاری ایران - ایالات متحدہ
ثبت شد - FILED	
Date	۱۳۶۲ / ۱۰ / ۲۰ 20 JAN 1984
No.	425

By a letter of 25 October 1983, which was received by the Tribunal on 9 November 1983, Counsel for Iran MCA Ltd. requested from the Tribunal "that any funds determined to be payable pursuant to a claim made by Walter Kidde and Company Inc. for work performed by Iran MCA Ltd. ... be paid directly to Iran MCA Ltd.".

By a letter of 14 November 1983, the Co-Registrars informed Counsel for Iran MCA Ltd. that they did not consider the letter of Counsel for Iran MCA Ltd. as a document to be filed in a case before the Tribunal since they did not regard Iran MCA Ltd. as a party before the Tribunal.

In a letter of 8 December 1983, Iran MCA Ltd. took the position that it "is a claimant [before the Tribunal] and entitled to direct payment of the funds due to it". Iran MCA Ltd. further alleged that it "is a party before the tribunal by virtue of its claims being included in the claim of Walter Kidde and Company Inc." in Case No. 425, Kidde, Inc. (Walter Kidde Division) and Iran National Airlines et al.

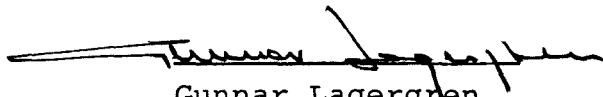
The Tribunal denies the requests of Iran MCA Ltd. for the reasons set forth below.

Iran MCA Ltd. does not assert any reasons which show that the Tribunal has jurisdiction under Article VII of the Claims Settlement Declaration.

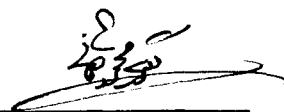
Insofar as Iran MCA Ltd. purports to be a Claimant before this Tribunal, the Tribunal notes that Iran MCA Ltd. did not file a claim with the Tribunal on or before 19 January 1982, the last day on which claims could be filed, as provided in Article III paragraph 4 of the Claims Settlement Declaration.

Iran MCA Ltd. is not a Claimant in Case No. 425 pending before the Tribunal. The sole Claimant in that case is Kidde Inc. (Walter Kidde Division). Iran MCA Ltd. is referred to in that claim only as one of several subcontractors which have submitted claims to Kidde relating to Kidde's termination of its contract with Iran Air. That reference by Kidde does not result in Iran MCA Ltd. becoming a Claimant in Case No. 425.

Dated, The Hague
12 January 1984



Gunnar Lagergren
Chairman
Chamber One



Mahmoud M. Kashani
Concurring Opinion



Howard M. Holtzmann