

ORIGINAL DOCUMENTS IN SAFE

Case No. 480

Date of filing 17 Aug 1983

I.T.M.

☒ AWARD. Date of Award 17 Aug 1983

3 pages in English. — pages in Farsi.

— DECISION. Date of Decision —

— pages in English. — pages in Farsi.

— ORDER. Date of Order —

— pages in English. — pages in Farsi.

— CONCURRING OPINION of —

Date — pages in English. — pages in Farsi.

— DISSENTING OPINION of —

Date — pages in English. — pages in Farsi.

— OTHER; Nature of document: —

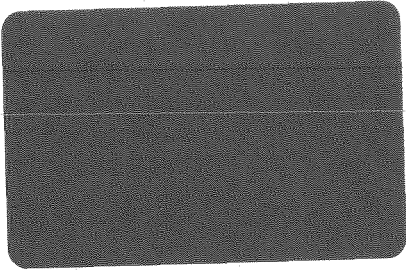
Date — pages in English. — pages in Farsi.

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IRAN-UNITED STATES CLAIMS TRIBUNAL

دیوان داوری دعوی ایران - ایالات متحدہ



CASE NO. 480

CHAMBER ONE

AWARD NO. ITM 26-480-1

TOUCHE ROSS & COMPANY,
a Partnership,
Claimant,
and
THE ISLAMIC REPUBLIC OF IRAN,
Respondent.

IRAN UNITED STATES CLAIMS TRIBUNAL		دادگاه داوری دعوی ایران - ایالات متحدہ	
ثبت شد - FILED			
Date	۱۳۶۲ / ۵ / ۲۶		۱۷
		17 AUG 1983	
No.	480		۴۸۰

INTERIM AWARD

DUPLICATE
ORIGINAL
نسخه برابر اصل

On 26 May 1983 the Claimant filed with the Tribunal a Motion requesting the Tribunal to order the dismissal or stay of the proceedings in a case between the Ministry of Defence of the Islamic Republic of Iran and Touche Ross & Company pending before the Public Court of Tehran.

In an Order issued by the Tribunal on 30 May 1983 the Government of Iran was

- (i) invited to submit by 8 June 1983 a Reply to the Claimant's request filed on 26 May 1983; and
- (ii) requested to move for a stay of the proceedings before the Public Court of Tehran until 13 June 1983.

On 9 June 1983 the Respondent requested an extension of the time for filing of the Reply to the Claimant's request.

In a subsequent Interim Award dated 13 June 1983, ITM 22-480-1, the Tribunal

- (i) extended to 5 August 1983 the time within which the Respondent was invited to submit a Reply to the Claimant's request, and
- (ii) requested the Respondent to take all appropriate measures to ensure that the proceedings before the Public Court of Tehran be stayed further at least until 1 September 1983.

In the 13 June 1983 Interim Award the Tribunal concluded that it appeared from the documents received in the case that the claim filed against Touche Ross & Company in the Public Court of Tehran was substantially the same as a counterclaim previously filed by the Government of the

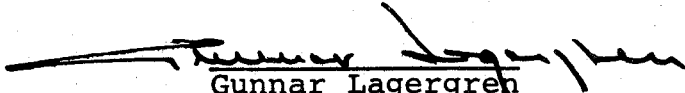
Islamic Republic of Iran in the instant case before the Tribunal. The Tribunal further concluded that it thus seemed that the subject matter of the counterclaim was excluded from the jurisdiction of the courts of Iran from the date that the counterclaim was filed with this Tribunal.

The Government of the Islamic Republic of Iran has not complied with the order to submit a Reply to the Claimant's request filed on 26 May 1983.

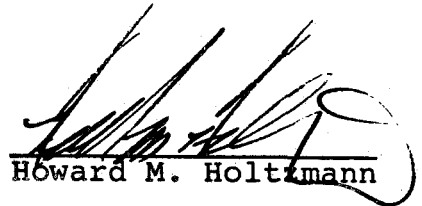
For these reasons,

The Tribunal requests the Government of Iran to take all appropriate measures to ensure that the proceedings before the Public Court of Tehran be stayed further pending the Tribunal's final determination of case No. 480.

Dated, The Hague
17 August 1983


Gunnar Lagergren
Chairman
Chamber One

I dissent from the majority since the claim is based on a contract specifically providing for jurisdiction of Iranian courts, and in accordance with the Single Article Act passed by the Islamic Consultative Assembly of Iran and Article II, paragraph 1, of the Claims Settlement Declaration this arbitral Tribunal is excluded from jurisdiction to proceed with the claim and, a priori, it is without jurisdiction to issue the interim award in this case.


Howard M. Holtzmann


Mahmoud M. Kashani

