

395 - 236
۳۹۵ - ۲۳۶

دیوان داوری دعاوی

ORIGINAL DOCUMENT

Case No. 395

Date of filing: 18 Dec 85

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

** DECISION - Date of Decision 18 Dec 85
2 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: _____

- Date _____
_____ pages in English _____ pages in Farsi

IRAN-UNITED STATES CLAIMS TRIBUNAL

دیوان دآوری دعاوی ایران - ایالات متحدہ

Case No. 395
Chamber Three

DECISION NUMBER: DEC 40-395-3

COMPONENT BUILDERS, INC.,
WOOD COMPONENTS CO., and
MOSHOFSKY ENTERPRISES, INC.,
Claimants,

and

THE ISLAMIC REPUBLIC OF IRAN,
BANK MASKAN IRAN (SUCCESSOR TO
BANK RAHNI IRAN), and
INSURANCE COMPANY OF IRAN,
Respondents.

IRAN UNITED STATES CLAIMS TRIBUNAL	دائرة دآوری دعاوی ایران - ایالات متحدہ
ثبت شد - FILED	
Date	18 DEC 1985 تاریخ
	۱۳۶۴ / ۹ / ۲۷
No.	395 شماره

DUPLICATE ORIGINAL

نسخه برابر اصل

DECISION

On 27 May 1985 the Tribunal filed in this Case the English version of the Interim and Interlocutory Award No. ITM/ITL 51-395-3. The English version of the Award was served on the Agent of the Government of the Islamic Republic of Iran on 27 May 1985 and the Agent of the Government of the United States of America on 28 May 1985. The Farsi version of the Award was filed on 7 August 1985 and served upon the Agent of the Islamic Republic of Iran and the Agent of the United States of America on 8 August 1985.

On 13 September 1985, Respondent Bank Maskan filed a document entitled "Respondents comments on the Interim and Interlocutory Award of 27 May 1985" in which the said Respondent asked that the Award be corrected in so far as regards its section on "Procedural History" and the Tribunal's findings concerning Claimants' nationality. Bank Maskan also requested the Tribunal "to provide necessary interpretations" concerning that part of the Interim and Interlocutory Award which deals with interim measures.

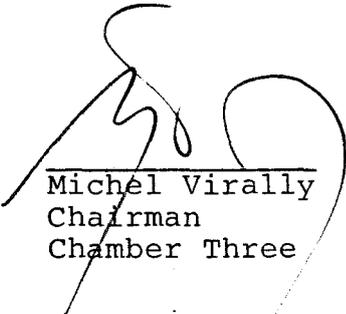
On 23 September 1985 Claimants filed a letter objecting to the above-mentioned requests.

Articles 35 ("Interpretation of the Award") and 36 ("Correction of the Award") of the Tribunal Rules provide that "[w]ithin thirty days after the receipt of the award, either party" may request the arbitral Tribunal to give "an interpretation of the award" or "to correct in the award any errors in computation, any clerical or typographical errors, or any errors of similar nature." According to Article 2, paragraph 3 of the Tribunal Rules a document "shall be deemed to have been received by [the] arbitrating parties when it is received by the Agent of their Government."

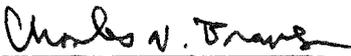
Decisive in the counting as to when a party shall be deemed to have received the Award pursuant to the above-quoted rules is the date on which the Agent of the Government of that party has received the Award. The English text of the Award was received by the Agent of the Government of the Islamic Republic of Iran on 27 May 1985. The Farsi text of the Award was received by the Agent of the Government of the Islamic Republic of Iran on 8 August 1985. It shall be deemed to have been received also by Bank Maskan on 8 August 1985. The request for interpretation and correction filed on 13 September 1985 was thus not made within "thirty days after the receipt of the award," as required by Articles 35 and 36. The Tribunal therefore dismisses the request for having been filed too late.

This decision is without prejudice to the question of the admissibility of the Counterclaims, which will be dealt with at the appropriate time.

Dated, The Hague,
18 December 1985



Michel Virally
Chairman
Chamber Three



Charles N. Brower

In the name of God



Parviz Ansari Moin

concurring