

ORIGINAL DOCUMENTS IN SAFE

Case No. 250

Date of filing: 28 Oct 86

** AWARD - Type of Award _____
 - Date of Award _____
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** DECISION - Date of Decision 28 Oct 86
2 pages in English 3 pages in Farsi

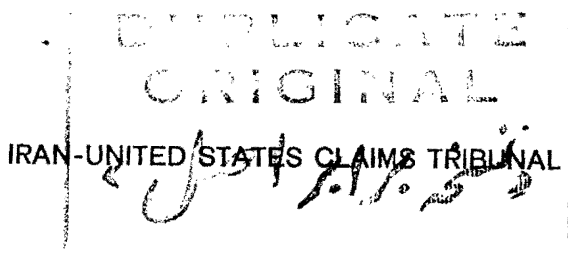
** CONCURRING OPINION of _____
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** SEPARATE OPINION of _____
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- Date _____
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دیوان دآوری دعاوی ایران - ایالات متحدہ

CASE NO. 250
CHAMBER THREE
DECISION NO. DEC 51-250-3

FEDDERS CORPORATION,
Claimant,

and

LORISTAN REFRIGERATION INDUSTRIES,
GENERAL INDUSTRIAL CORPORATION,
NATIONAL INDUSTRIES ORGANIZATION OF IRAN,
and
THE ISLAMIC REPUBLIC OF IRAN,
Respondents.

IRAN UNITED STATES CLAIMS TRIBUNAL		دادگاه دآوری دعاوی ایران - ایالات متحدہ	
ثبت شد - FILED			
Date	28 OCT 1986	تاریخ	
	۱۳۶۵ / ۸ / ۶		
No.	250	شماره	

DECISION

This Decision addresses the question whether the Islamic Republic of Iran ("Iran") and National Industries Organization ("NIO") are proper Respondents in this Case.

In its Statement of Claim, the Claimant specifically listed as Respondents only Loristan Refrigeration Industries ("Loristan") and General Industrial Corporation ("General"). On 30 May 1983 the Claimant submitted its Reply to Respondents' Statements of Defense and Counterclaims ("Reply"), in which it sought to add NIO as Respondent. In the caption the Reply also listed Iran as Respondent, along with Loristan, General and NIO.

By letter of 14 June 1984 the Agent of the Islamic Republic of Iran objected that the addition of Iran and NIO as Respondents was an amendment not permitted by Article 20 of the Tribunal Rules. This objection was renewed by the Respondents at the Pre-Hearing Conference held 22 September 1986.

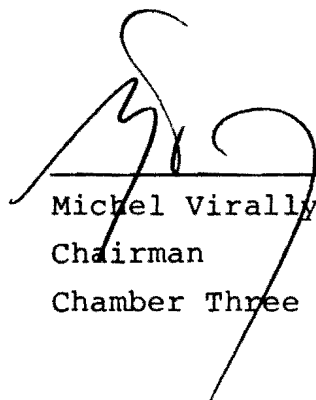
The Tribunal notes that although the Statement of Claim referred directly only to Loristan and General, the wording of the Statement of Claim indicated clearly that a part of

the claim alleged by the Claimant was based on the nationalization or taking of assets by Iran. Therefore it was clear from the Statement of Claim that Iran was intended to be a Respondent in this Case. This interpretation of the Statement of Claim is confirmed by the fact that in its Reply the Claimant did not seek to add Iran as a Respondent; on the contrary, it assumed that Iran was already a proper Respondent. Consequently, the Tribunal holds that specifying Iran as a Respondent is a clarification of the Statement of Claim rather than an amendment of the Claim.

As regards NIO's status, Article 20 of the Tribunal Rules states that a party may amend its claim, unless delay, prejudice or loss of jurisdiction would result. Claimant's amendment adding NIO as a Respondent was requested after the Claimant discovered that NIO was the entity directly involved in the alleged expropriation. Therefore such a request cannot be considered as untimely filed. Since NIO acted allegedly as an agent of Iran, also a Respondent in this Case, the amendment cannot be said to prejudice Iran or any other Respondent. Finally, there is no suggestion that the amendment may deprive the Tribunal of jurisdiction over the claim.


In view of the foregoing, the Tribunal finds no reason to disallow such an amendment, and it is accordingly accepted.

Dated, The Hague
28 October 1986

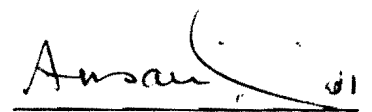


Michel Virally
Chairman
Chamber Three

In the Name of God



Charles N. Brower



Parviz Ansari Moin
Dissenting