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دیوان داری دعاوی ایران - ایالات متحدہ

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Case No. 53

Date of filing: 6 Mar 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 Mr. Mosta favi
- Date 6 Mar 86
2 pages in English 2 pages in Farsi

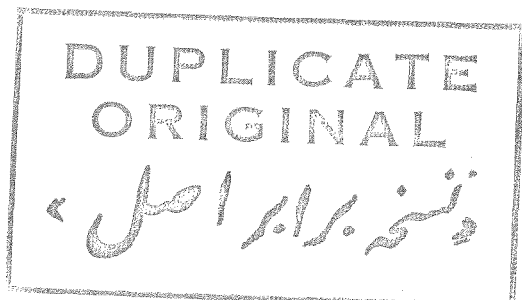
** SEPARATE OPINION of _____
- Date _____
_____ pages in English _____ pages in Farsi

** DISSENTING OPINION of _____
- Date _____
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** OTHER; Nature of document: _____

- Date _____
_____ pages in English _____ pages in Farsi

In the Name of God



CASE NO. 53

CHAMBER ONE

AWARD NO. 216-53-1

DATE : 6 March 1986

BLOUNT BROTHERS
CORPORATION,

Claimant,

and

THE ISLAMIC REPUBLIC OF IRAN,
BANK TEJARAT, BANK SADERAT,
BANK REFAH KARGARAN,
Respondents.

IRAN UNITED STATES CLAIMS TRIBUNAL	دادگاه داری دعاوی ایران - ایالات متحده
ثبت شد - FILED	
Date	6 MAR 1986 تاریخ
	۱۳۶۴ / ۱۲ / ۱۵
No.	53 شماره

CONCURRING OPINION OF
MOHSEN MOSTAFAVI

I concur in the decision not to award costs of arbitration, but not for the reason that since the request of the prevailing Party for an award of costs "remains unsubstantiated by documentation, the Tribunal is not in a position to make such an award in this Case." For in view of the fact that it is this Chamber's practice to determine a "reasonable" amount itself, and to award that amount as costs of arbitration, there is no need for substantiating documentation in order to determine a "reasonable" amount in this particular instance, either.

Rather, I concur in the decision not to award costs of arbitration for the reason that payment of the Tribunal's costs has been undertaken by the Government of the Islamic Republic of Iran and the Government of the United States of America; moreover, Article 40, paragraph 1 of the Tribunal Rules has granted the Tribunal broad discretionary powers to "apportion" the costs between the parties to a case, whereby apportionment of costs between the parties is regarded as constituting the general rule, and an award of payment of costs is deemed to constitute an exception thereto. For this same reason, there is ample precedent wherein this Tribunal did not award costs of arbitration. (Reference may be had to the Concurring Opinion of Judge Parviz Ansari in Award No. 212-437-3, H.A. Spalding, Inc., and The Ministry of Roads and Transport of the Islamic Republic of Iran and the Islamic Republic of Iran.) Under the special circumstances and criteria under which this Tribunal operates, and which pursuant to Article 40 of the Tribunal Rules must be taken into account, I do not regard it as equitable to award costs of arbitration.



Sayyid Mohsen Mostafavi