

CASE NO. 90  
CHAMBER TWO  
AWARD NO. 15-90-2

RELIANCE GROUP, INC.,  
Claimant,  
and  
NATIONAL IRANIAN OIL COMPANY;  
THE GOVERNMENT OF IRAN,  
Respondents.

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| IRAN UNITED STATES<br>CLAIMS TRIBUNAL | دادگاه داورى دعاوى<br>ايران - ايالات متحده |
| FILED - ثبت شد                        |  |
| No. 90 90 شماره                       |  |
| Date 8 DEC 1982 تاريخ                 |  |
| 1361/9/17                             |  |

AWARD DISMISSING CLAIM  
AND COUNTERCLAIM FOR LACK  
OF JURISDICTION

Parties' Representatives

For the Claimant:

Robert B. Barnett  
Carolyn H. Williams, of  
Williams & Connolly  
839 Seventeenth Street, N.W.  
Washington D.C. 2006, U.S.A.

For the Respondents:

Dr. Abbas Honardoost,  
Deputy Minister of Petroleum of  
the Islamic Republic of Iran,  
Ayatollah Taleghani Avenue,  
Tehran, Iran.

Mr. Mohammed K. Eshragh  
Deputy Agent of the Islamic  
Republic of Iran,  
The Hague, The Netherlands.

DUPLICATE  
ORIGINAL  
«نسخه برابر اصل»

By Its Statement of Claim filed with the Tribunal on 18 November 1981, the Claimant, RELIANCE GROUP INCORPORATED, claimed damages for breach of a contract entered into between the Respondents NATIONAL IRANIAN OIL CO. and Moody International (Middle East) Ltd., Inc., a corporation organised under the laws of the Republic of Panama, forty per cent of whose capital stock was owned by the Claimant from the time the claim arose to the date of filing of the claim.

In its Statement of Defence and Counterclaim filed on 15 March 1982, the Ministry of Petroleum of Iran, on behalf of the Respondent NATIONAL IRANIAN OIL CORPORATION, alleged, inter alia, that the Claimant had failed to prove sufficient control over Moody International (Middle East) Ltd., Inc., to bring the claim within the jurisdiction of the Tribunal as defined in Article VII Paragraph 2 of the Claims Settlement Declaration.

The Claimant filed with the Tribunal on 24 September 1982 a "Motion for Withdrawal of Claim and Dismissal of Counterclaim" in which it sought to withdraw the claim on condition that the Counterclaim was also dismissed.

The Tribunal issued an order dated 4 October 1982 requesting that the Respondents file any written observations on the Claimant's motion by 1 November 1982, and this date was extended to 1 December 1982 at the Respondents' request. No observations were filed.

The Claimant filed on 11 October 1982 a "Motion for the Dismissal of Claim and Counterclaim" in which it conceded that it was unable to produce sufficient evidence to satisfy the Tribunal that its claim constituted the claim of a national of the United States within the meaning of Article VII paragraph 2 of the Claims Settlement Declaration.

In the light of the foregoing,

THE TRIBUNAL AWARDS AS FOLLOWS:

The Claimant having acknowledged its inability to adduce evidence of its control over Moody International (Middle East) Ltd., Inc.,

as alleged by the Respondent, the claim is hereby dismissed on the grounds that the Tribunal is not satisfied that the claim is that of a national of the United States within the meaning of Article VII Paragraph 2 of the Claims Settlement Declaration. The Counterclaim is similarly dismissed since it arises out of the same contract as the Claim and is dependent on the jurisdiction of the Tribunal over the Claim.


Dated, The Hague  
8 December 1982



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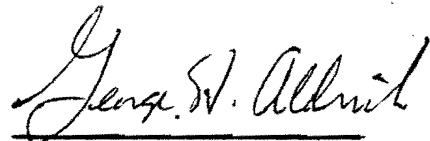
Pierre Bellet  
Chairman  
Chamber Two

In the name of God



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Shafie Shafeiei



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George Aldrich