

News

The Swiss Federal Supreme Court partially annuls final award on the ground of Ultra Petita (article 190 AL. 2 LIT. C PILA)

LALIVE has successfully challenged an International Chamber of Commerce (ICC) award and obtained a partial annulment of the award. This [decision](#) is a rare instance of partial annulment and of particular significance as the Swiss Federal Supreme Court seldom sets aside awards, in particular on the ground of *ultra petita*.

The case opposed two Turkish companies on the one hand, and an Israeli company on the other hand, in a dispute related to the conception and production of special vehicles. The Swiss Federal Supreme Court ruled that the final award was rendered *ultra petita* on two prayers for relief sought by the Israeli company: the award granted damages where only declaratory relief had been requested. The Swiss Federal Supreme Court has therefore remanded the case to the sole arbitrator, for a new – partial – decision to be rendered, taking into consideration the Swiss Federal Supreme Court's decision.

The Turkish companies were represented by LALIVE partner [Matthias Scherer](#), Counsel [Pierre-Olivier Allaz](#) and associate Caroline dos Santos before the Swiss Federal Supreme Court.

With this success, the firm continues to consolidate its track record in [securing victories](#) in setting aside proceedings before the Swiss Federal Supreme Court.

Key Contacts



Matthias Scherer
Partner
Zurich



Pierre-Olivier Allaz
Counsel
Geneva