

## Case 4630380810

Court	Circuit type	Case No.	Judgment pronounced	Judgment issued
Asir Province Court of Appeal	Civil	4630380810	-	October 29, 2024

### Facts<sup>1</sup>

First:

Violation of Article 16 of the Arbitration Law: This is due to the existence of an interest on the part of the arbitrator in the dispute, as well as numerous circumstances and conditions giving rise to doubts regarding the arbitrator's impartiality and independence, without the arbitrator having made written disclosure to the parties to the dispute regarding such doubts. The arbitrator guaranteed his vote in favor of the claimant [the defendant in the annulment proceedings] and requested from the claimant a portion of the fees following issuance of the award in his favor.<sup>2</sup>

Second:

Violation of Article 16 of the Arbitration Law and Article 94 (d) of the Law of Civil Procedure: This is due to the existence of circumstances that would prevent the arbitrator from considering the case, as such circumstances would equally prevent a judge, namely the existence of an interest for the arbitrator in the claim, as explained in the preceding paragraph.

Requests:

Based on the foregoing, I request that the Court annuls the arbitral award that is subject of this action and deposited with the [...] under Petition No. [...] dated April 24, 2024 (15/10/1445H).<sup>3</sup>

God is the Grantor of success.

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<sup>1</sup> The factual record in this judgment appears incomplete. The SCCA team contacted the relevant parties to obtain clarification of the underlying facts but was unable to secure additional information.

<sup>2</sup> Editorial insertions in square brackets have been made by the SCCA team for clarity or completeness and do not appear in the original Arabic text.

<sup>3</sup> Identifying information in this judgment has been redacted to protect personal and sensitive data.

Upon presentation thereof, the defendant's attorney stated:

I request a postponement until the next session.

Accordingly, the session was adjourned.

### **Reasoning**

Based on the foregoing, and as the action was filed within the statutory time limit, it is admissible in form pursuant to Article 51 of the Arbitration Law.

As to the merits, it is established from the position of the arbitrator [...] that he did not address the subject matter of the claim submitted before the arbitral tribunal; rather, he asserted the invalidity of the constitution of the arbitral tribunal. This demonstrates that he did not participate in the substantive confidential deliberation of the claim in accordance with Article 39 (1) of the Arbitration Law.

Accordingly, the arbitral tribunal that deliberated on the substantive aspects of the claim comprised only two arbitrators, which affects the proper constitution of the tribunal and is a ground for annulment of the arbitral award pursuant to Article 50 (1) (e) and Article 13 of the Arbitration Law.

The Court therefore reaches the following conclusion.

### **Ruling**

The Court rules to annul the arbitral award referenced in this action.

This judgment was pronounced in open court on October 28, 2024 (25/4/1446H).

God grants success. May prayer and peace be upon our Prophet Muhammad.