

Arbitration - Switzerland

Greater or Different Award to be Set Aside as *Ultra Petita*

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An award granting more, or something different, than the relief requested is to be set aside as being *ultra petita* under PIL Act article 190(2) lit. c. However, an award must not be set aside as *ultra petita* if the monetary relief requested was granted on a modified cause of action or based on a different legal characterization or for different legal reasons. The request for relief must be interpreted as it could and should be understood in good faith by the other party and by the arbitrators in the circumstances.

ASA Bulletin, 1995/2, 217-226.

For further information on the above topics please contact Pierre-Yves Tschanz in the first instance by phone on 00 41 22 704 37 00, or by e-mail to tschanz@ttv.ch

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Author

**Pierre-Yves
Tschanz**

