

**Polish Supreme Court order
dated 31 May 2000
Case No. I CKN 182/00**

Summary by arbitraz.laszczuk.pl:

Joanna H.Z. obtained an arbitration award in 1996 (in Poland) against Wiesława K. for more than PLN 36,000. The claimant filed an application to enforce the award with the province court, which issued an order in 1998 enforcing the award. The respondent filed an interlocutory appeal with the appellate court, which was denied in 1999. She then filed a cassation appeal with the Supreme Court, seeking to vacate the order of the appellate court and deny the application for enforcement, or in the alternative to remand the matter to the appellate court.

The Supreme Court held that while the order of the appellate court concluded the enforcement proceeding, it did not conclude the proceeding in the matter, and therefore no cassation appeal was available. The court dismissed the cassation appeal accordingly.

Excerpts from the text of the court's ruling:

1. A petition to set aside an arbitration award constitutes a special form of state court supervision over the arbitration court. Avenues of appeal will lie from the judgment by the court issued as a result of consideration of the petition, under general rules, not excluding a cassation appeal.

2. For the parties to an arbitration proceeding, the opportunity to file a petition to set aside the arbitration award constitutes a specific means of review of the award issued in the proceeding, and the ruling by the state court concluding the proceeding on the petition to set aside the arbitration award definitively concludes the proceeding before the state court. Thus only such a ruling may be characterized as "concluding the proceeding in the matter." ... Thus also such characterization may be not be ascribed to an order on enforcement of an arbitration award.