

**Polish Supreme Court order
dated 24 February 1998
Case No. I CKN 455/97**

Summary by arbitraz.laszczuk.pl:

US company E.A. Inc. filed a motion with the Warsaw District Court for appointment of an arbitrator, in a dispute with Warsaw-based company E. SA. The court denied the motion. On interlocutory appeal, the Warsaw Province Court held that because the contract between the parties called for arbitration in Vienna and the movant had its registered office abroad, the Polish court had no jurisdiction over the matter, and it dismissed the case accordingly.

On cassation appeal, the US company moved to vacate the order below and remand the case for reconsideration, or to amend the order below and appoint an arbitrator. The Supreme Court held that the appellant had failed to state the statutory grounds for a cassation appeal and therefore the cassation appeal must be dismissed, and in any event no cassation appeal would lie in this matter because a ruling on appointment of an arbitrator does not end the proceedings in the matter.

Excerpt from the text of the court's ruling:

By permitting in a separate regulation (Civil Procedure Code Art. 701 §3) an interlocutory appeal against an order concerning, among other things, appointment of an arbitrator, the Parliament clearly let it be known that it does not treat them as ending the proceeding in the matter, as then the general rule set forth at the beginning of Civil Procedure Code Art. 394 §1 would apply.