CONFERENCE ON

NEW ARBITRATION REGIME - CHALLENGES FACED BY PSUs / CORPORATES

Saturday, 9th March, 2019, Hotel Le-Meridien, New Delhi

Knowledge Partner

THE ASSOCIATED CHAMBERS OF COMMERCE AND INDUSTRY OF INDIA
PSU contracts form bulk of arbitration in commercial contracts in India. These contracts are made in multiple standard contract documents with further additions/deletions through particular conditions, often giving rise to conflict, inconsistencies and disputes interpretation. Hence, adopting proper standard contract document and taking due care while incorporating any changes is of vital importance. Risk assessment before entering into contract is a pre-condition to efficient risk allocation. The exigencies of a particular project need to be accommodated. Hence drafting of contract requires skilful handling with domain knowledge and legal expertise.

Delays have become inevitable in contracts, which give rise to huge claims both in the nature of price escalation and overheads. Adjudication of delay damages claims involves interpretation of terms of contracts like exclusion and limitation of liability clauses, duty of mitigation and evidentiary requirements to prove the quantum of claims, in addition to reference to judicial precedents and authorities and principles; application of which in non-uniform standard contracts may be uncertain.

Investment treaty arbitration is another area of concern, which may affect the PSUs having contract with foreign entities in a big way. PSUs fall within the definition of State and action not contemplated in contract with foreign investor may lead to dispute on the ground of expropriation that eventually may lead to award of compensation to investors.

Conference on ‘New Arbitration Regime - Challenges faced by PSUs / Corporates’.

Speedy dispute resolution regarding commercial disputes is one of the important drivers for economic development in any country. India being one of the economies having high potential and ambitious country, it is important to ensure effective and speedy judicial delivery system. It has been noticed that out of the commercial disputes which are pending for settlement in the country, most of them belong to PSUs and in most cases the decision are pronounced against the PSUs. There is some missing link which require detailed scrutiny and solutions.

On the basis of input received from PSUs relating to the difficulties experienced in the conduct of proceedings, ASSOCHAM International Council of Alternate Dispute Resolution (AICADR) in association with Singapore International Arbitration Centre(SIAC) is organizing One Day Conference on ‘New Arbitration Regime - Challenges faced by PSUs / Corporates’ on Saturday, the 9th March, 2019 at Hotel Le-Meridien, New Delhi, to provide a platform to discuss the challenges faced by PSUs / Corporates in the resolution of commercial disputes and how to overcome them.

Hon'ble Minister of State for Law & Justice, GOI, Shri P. P. Chaudhary, has been requested to inaugurate the Conference besides Hon'ble Judges of Supreme Court/High Courts, Law & Commerce Secretaries, GOI, eminent jurists and senior arbitration practitioners to address the Conference.

Keeping in view of the importance and magnitude of the event, you are requested to attend/nominate senior officials to participate in the conference. We would also request your organization to avail sponsorship opportunities in this very important conference to enhance your brand visibility.
OBJECTIVES

- Issues relating to contracts, contract management and arbitration clause.
  Effect of Commercial Courts, Commercial Division of High Courts (Amendment) Bill, 2018
  Institutional Arbitration in India – Recent developments
- Recent fast track provisions for resolution of disputes viz. Interim Relief, Emergency Arbitration, Arb-Med-Arb, etc.
- Judicial Support to Arbitration and Mediation Process

MAIN TOPICS

- Analysing the impact of Recent Changes in the Arbitration Law on PSUs
- Institutional Arbitration for PSUs / Corporates: The Way Forward
- Legal Issues in Infrastructure/ Construction Contracts
- Fast track provisions of dispute resolution viz., Arb-Med-Arb, Interim Relief; Expedited Procedure etc.

WHO SHOULD ATTEND?

- Business Development/ Commercial /Contract Managers/Engineers
- Law Officers-Managers of PSU’s, Banks & Corporate Houses
- Trainee Solicitors/Law Students
- Chartered Accountants/Chartered Engineers Builders, Insurance Advisors, Govt. officers

DIGNITARIES INVITED

- Mr. P. P. Choudhary
  Union Minister of State for Law & Justice, GOI
- Hon’ble Justice A. K. Sikri
  Judge, Supreme Court of India
- Hon’ble Justice Dipak Misra
  Former Chief Justice of India
- Dr. Alok Srivastava
  Law Secretary, Ministry of Law & Justice
- Mr. Anup Wadhawan
  Commerce Secretary, Ministry of Commerce & Industry
- Mr. Lalit Bhasin
  President, BAI & SILF and Chairman, CIA (UK)
- Mr. Gourab Banerji
  Sr. Advocate
- Mr. Suman Jyoti Khaitan
  Chairman, ASSOCHAM National Council on Legal Affairs and Regulatory Reforms
- Mr. S. Ravi Shankar
  Sr. Partner, Law senate Law Firm
- Ms. Shwetha Bidhuri
  Head (South Asia), Singapore Int. Arbitration Centre (SIAC)
- Mr. Tejas Karia, Partner
  Shardul Amarchand Mangaldas
- Mr. Ganesh Chandru
  Executive Partner, Lakshmikumaran & Sridharan
- Mr. J.L.N. Murthy
  Advocate, Hyderabad
- Mr. Ganesh Chandra Kabi
  Kabi & Associates
- Mr. Deepak Bhaskar
  Deepak Bhaaskar & Associates, Advocates
- Mr. George Pothan
  Legal Consultant (L&T Div.) MEA, GOI
- Mr. Ajay Thomas
  Vice Chair - ICC India Arb. Group
- Dr. S. M. Dewan
  Former CMD STC & D.G. SCOPE
Online Dispute Resolution through Mediation, Arbitration & Conciliation

Mediation in India is not popular in commercial cases. It is only popular in court annexed mediation centers. Lot more need to be done to make it more popular in India.

Presently there are more than 3 crore cases pending in various courts in the country and 46% of these involve Government Department or Government bodies. Hence, the Department of Justice, Ministry of Law & Justice, GOI, has taken initiative to explore options for Government Departments and Organizations for settlement of their disputes through alternate methods like mediation, arbitration, conciliation, online or otherwise.

For the purpose, the Department of Justice has gathered names of Agencies/Institutions/Organizations working in the field of such alternate methods of dispute resolution, especially providing online mediation services in various matters. A list of such institutions which includes the name of ASSOCHAM International Council of Alternate Dispute Resolution (AICADR) with brief profile is available on the website of the Department.

Similarly, some public sector institutions are now maintaining list of arbitration institutions for using their ADR services in their tender documents. The services of such arbitration institutions which includes the name of ASSOCHAM International Council of Alternate Dispute Resolution (AICADR) also, are being used on rotation basis.

The details of disputes to be referred under AICADR provisions are given below:

AICADR can resolve disputes under its Rules for Arbitration/Conciliation/Mediation, viz.,

A) For reference of the existing dispute in a contract:
The parties acknowledge and agree that a controversy has arisen among them, which they desire to resolve by mediation/conciliation/arbitration (tick mark) rather than litigation. Accordingly the parties agree:
*Any dispute regarding the scope or terms of this agreement, shall be resolved by mediators/conciliators/arbitrators (tick mark) under ASSOCHAM International Council of Alternate Dispute Resolution Rules for Mediation/Conciliation/Arbitration (tick mark) based on UNCITRAL MODEL subject to Arbitration & Conciliation (Amendment) Act, 2015. AICADR Panel of Arbitrators/ Mediators can be appointed on party's request.

B) For reference of the future dispute, incorporate following clause in all your domestic & global commercial contracts:
*All disputes or differences whatsoever arising between the parties out of or relating to construction, meaning and operation or effect of this contract or breach thereof shall be settled by Mediation/Conciliation/Arbitration (tick mark) in accordance with the Rules of "AICADR" based on UNCITRAL Model and the decision/award made in pursuance thereof by Panelists of "AICADR" shall be binding on the parties.

C) For any other ADR Rules, AICADR has the State of the art infrastructure:
*Panel of renowned arbitrators/conciliators/arbitrators
*Professional Team of Secretariat
*ADR meeting rooms equipped with state-of-the-art facilities including Digital projector, audio and visual facilities and a dedicated system
*Multi-point video conference facilities
*Centrally located offices at different locations in India & Abroad

You can also join as AICADR Member

A. INDIVIDUAL / CORPORATE / LIFE MEMBER
B. MEDIATOR/CONCILATOR/ADR PANEL MEMBER (ONLY FOR LIFE MEMBERS)

For further details please log on: http://assocham.net/defaultpage.php?pageid=48

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REGISTRATION FEE

GENERAL: Rs. 5,000/- plus GST @18% i.e. Rs.5,900/- per delegate

AICADR MEMBERS: Rs. 4,000/- plus GST @ 18% i.e. 4,720/- per delegate

Payment by Cheque/DD to be drawn in favour of "ASSOCHAM-ICADR " payable at New Delhi (10% discount for two or more participants from the same organization)

AICADR takes this opportunity to invite you to participate in this conference New Arbitration Regime - Challenges Faced By Psus / Corporates Request for registration will be on first-cum-first-served-basis since the seats are limited

For Registration and Sponsorship details please contact

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