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4th Annual Conference on

Arbitration and Dispute Resolution

August 21, 2019

Hyatt Regency, New Delhi

Conference on

Contract Management

August 22, 2019

Hyatt Regency, New Delhi



Organisers:



ARBITRATION AND DISPUTE RESOLUTION

August 21, 2019, Hyatt Regency, New Delhi

Mission

- ❖ Legal disputes have been one of the primary reasons for time and cost overruns in infrastructure projects. Over Rs 1.5 trillion worth of infrastructure projects are stuck due to litigation at present.
- ❖ There are legal disputes among almost all stakeholders. Developer versus concessioning authority. Government versus contractor. Operator versus regulator. Regulator versus government. Lender versus developer.
- ❖ Despite this, the resolution process in India is quite time consuming and costly. As per the World Bank's Ease of Doing Study, 2019, India takes around four years and 31 per cent of the claim value to resolve disputes.
- ❖ The need for an effective dispute resolution process is increasing day by the day as more infrastructure projects are planned, developed and commissioned.
- ❖ The government has become proactive and announced a number of initiatives. New laws are being enacted and existing ones being modified for speedier and effective resolution of disputes. Alternate dispute resolution (ADR) mechanisms are being promoted. Model concession agreements are being revisited and modified. Institutional capacity is being strengthened.
- ❖ **The mission of this conference is to analyse the developments in dispute resolution and arbitration in India, discuss their impact, highlight the key unresolved issues and examine the way forward. The conference will also offer a platform for different stakeholders to share their experience and exchange views and opinion.**

AGENDA/STRUCTURE (Arbitration and Dispute Resolution)

GOVERNMENT PERSPECTIVE: INITIATIVES FOR SPEEDIER DISPUTE RESOLUTION

- ❖ What is the government's perspective on dispute resolution and arbitration in infrastructure?
- ❖ What will be the impact of the proposed/recent amendments to dispute resolution and arbitration [Indian Arbitration Council Act, 2017; Arbitration and Conciliation (Amendment) Bill, 2018; Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Bill, 2018; etc.]?
- ❖ What are the key issues and challenges?

DEVELOPER/CONCESSIONAIRES'/OPERATOR PERSPECTIVE

- ❖ What has been the experience of infrastructure developers/operators with regard to arbitration and dispute resolution in India across sectors?
- ❖ What are their major issues and concerns?
- ❖ What needs to be done on the regulatory/legislative front for speedier resolution?

CONSTRUCTION CONTRACTORS' PERSPECTIVE

- ❖ What has been the experience of construction contractors with regard to arbitration and dispute resolution in India across sectors?
- ❖ What are their major issues and concerns?
- ❖ What measures can be taken on the regulatory and legislative front to ensure speedier resolution?

CONCESSIONING AUTHORITIES/IMPLEMENTING AGENCIES' PERSPECTIVE

- ❖ What has been the experience of concessioning authorities/implementing agencies with regard to arbitration and dispute resolution in India across sectors?
 - ❖ What are their major issues and concerns?
 - ❖ What needs to be done on the regulatory/legislative front for speedier resolution?
- (Sectors include roads, ports power, airports, mining, telecommunication, urban mass transit, and water and sanitation.)*

REGULATORY EXPERIENCE

- ❖ What has been the regulatory experience with infrastructure projects?
- ❖ What is the role played by key agencies (PNGRB, TRAI, CERC, AERA, etc.)? What are the key challenges?
- ❖ What are the key lessons learnt?

FINANCIERS'/INVESTORS' PERSPECTIVE

- ❖ What has been the experience of financiers/investors with regard to arbitration and dispute resolution in India across sectors?
- ❖ What are their major issues and concerns?
- ❖ What needs to be done on the regulatory/legislative front for speedier resolution?

ALTERNATE DISPUTE RESOLUTION (MEDIATION, CONCILIATION, ARBITRATION, NEGOTIATION, ONLINE DISPUTE RESOLUTION AND LOK ADALATS)

- ❖ What are the alternate dispute resolution mechanisms in India? Have these led to speedier resolution?
- ❖ What are the key issues and challenges of these mechanisms?
- ❖ What needs to be done to improve the ADR mechanism in India?

COST, TIME AND CLAIMS MANAGEMENT

- ❖ What are the challenges in managing the cost and time overruns in dispute cases?
- ❖ What are the challenges in computing claims? What are the strategies being adopted to overcome these?
- ❖ What are the global best practices? Which is the most relevant in India?

GLOBAL EXPERIENCE: BEST PRACTICES

- ❖ What has been the global experience with regard to dispute resolution and arbitration?
- ❖ What are the global best practices?
- ❖ What can India learn from international best practices?

INSTITUTIONALISING ARBITRATION

- ❖ What is the role of arbitration institutions in India (ICA, ICADR, etc.)?
- ❖ What is the view of these institutions on the arbitration process in India?
- ❖ What are the key challenges?
- ❖ What has been the role of foreign arbitration institutions (SIAC, LCIA, etc.)? What lessons can be learnt from global arbitration institutions?

MANAGING DISPUTES UNDER CHANGE IN LAW

- ❖ What has been the experience in handling disputes resulting from change in law?
- ❖ What are the challenges faced under such disputes?
- ❖ What improvements are needed to better manage the risk allocation between parties in such disputes?

CONTRACT MANAGEMENT

August 22, 2019, Hyatt Regency, New Delhi

Mission

- ❖ A large proportion of infrastructure projects in India have become the subject of litigation. The lack of effective contract management is often cited as the biggest reason for this.
- ❖ Risk and responsibility allocation in contracts is not fair and balanced. Contract enforcement is weak. Standardisation of contracts is absent. Contract renegotiations have exposed inadequate due diligence and inappropriate risk allocation at the time of formulation of contracts. The provisions in the case of suspension/termination, default, damages, indemnities, etc., are not well defined.
- ❖ However, there seems to be some learning from past experience. Many of the issues can be avoided or at least minimised with proper contract management by paying more attention paid to structuring, risk allocation, monitoring, enforcement, etc. Meanwhile, model concession agreements are being modified based on the changing requirements across infrastructure sectors.
- ❖ **The mission of this conference is to analyse the current contract management practices, discuss the recent initiatives and their impact, highlight the key unresolved issues and examine the way forward. The conference will also offer a platform for different stakeholders to share their experience and exchange views and opinion.**

AGENDA/STRUCTURE (Contract Management)

CURRENT SCENARIO: CONTRACTING PRACTICES AND ISSUES

- ❖ What are the different types of contracts used in infrastructure projects in India?
- ❖ What are the key contractual issues and challenges?
- ❖ What are the global best practices? What can India learn from these practices?

MODEL CONCESSION AGREEMENTS: EXPERIENCE AND THE WAY FORWARD

- ❖ How have infrastructure concession agreements evolved in India?
- ❖ Are these concession agreements balanced and the risk allocation appropriate?
- ❖ What are the changes needed in these agreements?

EPC CONTRACTORS' PERSPECTIVE: EXPERIENCE AND THE WAY FORWARD

- ❖ How have EPC contracts evolved in India?
- ❖ Are these contracts balanced and the risk allocation appropriate?
- ❖ What are the changes needed in these contracts?

CONTRACT MONITORING AND ENFORCEMENT

- ❖ What are the practices followed for contract monitoring and enforcement in the infrastructure sector in India?
- ❖ How has contract monitoring and enforcement evolved over the years?
- ❖ What are the key issues and challenges? What are the global best practices?

CONTRACTUAL RISKS

- ❖ What are the key contractual risks faced by infrastructure projects in India?
- ❖ How is the risk allocated between different stakeholders of an infrastructure project?
- ❖ What are the most relevant strategies to mitigate such risks?

CONTRACT DESIGN AND STRUCTURING

- ❖ What are the key considerations in infrastructure contract design and structuring in India (role and responsibilities, payments, liabilities, damages, delays, suspension/termination, indemnities, etc.)?
- ❖ How has contracts design and structuring evolved over the years?
- ❖ What are the key issues and challenges?
- ❖ What are the global best practices?

STANDARDISATION OF CONTRACTS

- ❖ What are the benefits of standardisation of contracts?
- ❖ What are the key elements/features of a standardised contract?
- ❖ What are the practices followed abroad? What lessons can be drawn for India from the global experience?

CONTRACT RENEGOTIATION

- ❖ What are the key challenges faced in renegotiating contracts?
- ❖ What are the strategies that are being adopted in India for better contract management?
- ❖ What are the safeguards needed to deal with the uncertainties of long-term contracts?

GLOBAL EXPERIENCE: BEST PRACTICES

- ❖ What has been the experience with regard to contract management?
- ❖ What are the global best practices?
- ❖ What can India learn from international best practices?

Target Audience

The conferences would be immensely useful for professionals forming a part of "Commercial and Legal" departments in their respective organisations, who need to stitch together myriad tax, legal and project management insights in order to arrive at optimum and competitive business decisions. Professionals specialising in the domains of law, contract management, taxes, project management and finance would also find this conference hugely beneficial. It would be a great learning opportunity even for young professionals who have just started their careers and who are looking to be a significant part of the India infrastructure story. The conference is targeted at:

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|--|--|--------------------------------------|
| - Infrastructure developers (roads, railways, ports, airports, power, renewable, telecom, oil & gas, coal, mining, real estate/townships, water & waste management and urban transportation) | - Legal firms | - Sectoral advisory firms |
| - Infrastructure-related government agencies | - Commercial banks and financial institutions | - Industry analysts |
| - Arbitration institutions | - Policymakers and regulators | - EPC firms |
| - Tax and other sector consultants | - State infrastructure development organisations | - Project executing agencies |
| - Bilateral and multilateral agencies | - Practising arbitrators | - Advocates, CA, CS |
| | - Financial advisory firms | - Asset reconstruction companies |
| | - Equipment and technology providers | - Infrastructure fund managers, etc. |

Previous Participants

The participants at our other recent finance related conferences include: ABB India Limited, Adani Ports, Adani Power, Aditya Birla Finance, AECOM, Afcons, Alchemist ARC, ALMT Legal, Apprise Insolvency Professionals, ARCIL, ATC Telecom, Axis Bank, Axis Capital, AZB & Partners, Bankruptcy Law Reforms Committee, Bhandari & Associate, Birla Sunlife Asset Management, BMR Advisors, BP India, BPCL, Brescon, Bridge & Roof, BRIDGE TO INDIA, BRNL, Brookfield Financial, Cairn, CARE, CBRE, Chandhiok & Associates, CRDC, CIDCO, CLP India, CLSA, CMRC, CPPIB, CRISIL, Cyril Amarchand Mangaldas, DBS Bank, Deesha Power, DIAL, Deloitte, Dhir & Dhir, Dhruva Advisors, Dilip Buildcon, Dolat Capital, Doshion Water Solutions, DSK Legal, DSP Merrill Lynch, Duff & Phelps, E&Y, E&Y LLP, ELP, Edelweiss ARC, ELP, Equirus Securities, Essar Power, Essel Infraprojects, Feedback Brisa, Feedback Infra, Gammon, GMR, GSECL, HCC, HSA Advocates, HUDCO, IBBI, ICICI Bank, ICRA, IDAC, IDBI Trusteeship, IDECK, IDFC Alternatives, IDFC Bank, IFCI, IIFCL, IL&FS Engg, IL&FS Financial Services, IL&FS Investment Managers, IL&FS Maritime, ITNL, India Metals & Ferro Alloys Limited (IMFA), India Power, India Ratings, Indian Institution of Technical Arbitrators, Indus Law, Indus Towers, Infrastructure Advisors, Infrastructure Leasing & Financial Services, ICC Singapore, IPE Global, IRB, Iridis Advisory, IVRCL, J Sagar, J&K SPDC, J.M. Baxi, Jaipur Metro Rail, Jaypee Infratech, Jindal Steel & Power, JM Financial, JMC Projects, JNPT, Juris Corp, Kalpataru Power, Khaitan & Co, Kochhar & Co, Kotak Mahindra, KPMG, KRDCL, L&T Construction, L&T Financial Services, L&T IDPL, L&T Infrastructure Finance, Lakshmikumaran & Sridharan, Law Senate, Link Legal, Luthra & Luthra, Macawber Beekay, Madhu Developers, MSEDCL, Marsh India, Masin Projects, Mazagon Dock, MEP Infra, MIAL, MMRL, Morgan Stanley, Mumbai Centre For International Arbitration, NHAI, National Insurance Company, National Steel & Agro, NCC, NHPC, Orbit Law, Paramount Limited, Patel Engg, PNC Infratech, Power Grid, Power Transmission, Pranav Construction Systems, PTC India, PwC, Rail Vikas Nigam Limited, RAJAH & TANN SINGAPORE LLP, Reliance Infra, Reliance Nippon Life Insurance, RITES, RMG Alloy Steel, S&P Global, Sadbhav Engg, SBI, SBI Cap Trustee, SBI Capital Markets, Shapoorji Pallonji, Shardul Amarchand Mangaldas, Shriram EPC, Simplex Infrastructure, SIAC, Societe Generale, Statkraft Markets, Sterlite Power, Sumat Gupta & Co., Tata Capital, Tata Capital Financial Services Limited, Tata Cleantech Capital, TRIL Roads, Trust Group, Vesuvius, Visakha Container, Vistar Metal Industries, Vistra ITCL, Voltamp Transformers, Wadia Ghandy, Welspun Enterprises, etc.

REGISTRATION

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are available**

REGISTRATION FEE

ANY ONE CONFERENCE

Delegates	Fee			
	INR	GST @18%	Total INR	USD
One delegate	25,000	4,500	29,500	492
Two delegates	40,000	7,200	47,200	787
Three delegates	55,000	9,900	64,900	1,081

BOTH CONFERENCES

Delegates	Fee			
	INR	GST @18%	Total INR	USD
One delegate	40,000	7,200	47,200	787
Two delegates	65,000	11,700	76,700	1,278
Three delegates	90,000	16,200	106,200	1,770

- GST @ 18 per cent is applicable on the registration fee.

Payment Policy:

- Full payment must be received prior to the conference.
- Conference fees cannot be substituted for any other product or service being extended by India Infrastructure Publishing Pvt. Ltd.
- Conference fee includes lunch, tea/coffee and conference material.

Organisers

The conference is being organised by **India Infrastructure Publishing**, the leading provider of information on the infrastructure sectors through magazines, newsletters, reports and conferences. It publishes **Indian Infrastructure** (a magazine devoted to infrastructure policy and finance), as well as **Power Line**, **Renewable Watch** and **tele.net** magazines. The group also produces a series of reports on finance and infrastructure sectors. It organises almost four dozen conferences in a year. Its recent conferences in finance have included: **Private Equity in Infrastructure**, **Real Estate Investment Trusts and Infrastructure Investment Trusts**, **Infrastructure Finance in India**, **Insolvency and Bankruptcy**, **Bonds Financing**, **External Commercial Borrowings**, **Legal Issues in Infrastructure**, **PPP in Infrastructure** and **Debt Restructuring: SDR & S4A**.

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