Conference on

ARBITRATION IN INFRASTRUCTURE

March 9, 2017, The Leela Palace, Chanakyapuri, New Delhi

Organisers:

Indian Infrastructure | POWERLINE | RenewableWatch

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ARBITRATION IN INFRASTRUCTURE

Mission

- Infrastructure projects are complex in nature. The capital investment is high. The gestation period is long. There are multiple stakeholders involved. Contracts often do not clearly define the role and responsibilities of the parties involved. These projects are thus quite prone to disputes and litigation.
- Arbitration has long been a method of dispute resolution in India. However, it is often criticised for being costly, time consuming and ineffective. As per government estimates, around Rs 700 billion is tied up at various stages of arbitration across infrastructure sectors. More than 95 per cent of arbitration in India is "ad hoc" in nature, as against institutional arbitration, globally.
- So far, only a few cases have been handled by domestic institutions such as the Indian Council of Arbitration (ICA) and the International Centre for Alternative Dispute Resolution (ICADR).
- As a result, many Indian companies approach foreign arbitration centres such as the Singapore International Arbitration Centre (SIAC) and the London Court of International Arbitration (LCIA), leading to the loss of arbitration business opportunity for India. At present, Indian parties account for around 30 per cent of the arbitration cases handled by SIAC and LCIA.
- The situation is set to change, with several new policy measures announced in the past one to two years. In a major development, the Indian Arbitration and Conciliation (Amendments) Act, 2015 came into force from October 23, 2015, repealing the two decades old Arbitration and Conciliation Act, 1996.
- The act provides for time-bound disposal of all arbitration matters. It also permits parties to opt for fast-track arbitration, with the decision being granted within six months. Further, the scope of challenges to arbitral awards on public policy grounds has been reduced. The act also attempts to fix limits on the fee payable to the arbitrator. It also enables the parties to an international commercial arbitration with the seat of arbitration outside India to approach the Indian courts and seek interim relief. The definition of "court" has been amended to refer only to high courts in the case of international commercial arbitrations.
- Subsequently, in September 2016, the government announced new measures for arbitration for the construction industry. Government agencies would have to pay 75 per cent of the arbitration award amount to an escrow account against margin free bank guarantee, if the award is being challenged. The step is expected to significantly reduce the debts of construction/infrastructure firms (to the extent of 40-50 per cent), improve liquidity, and speed up infrastructure project execution.
- Moreover, steps are being taken to promote India as a preferred destination for resolving international business disputes. The first international arbitration centre was opened in Mumbai in October 2016. SIAC has signed an agreement to establish a representative office at GIFT City, Gujarat to resolve international commercial disputes.
- The Indian industry has, for the most part, responded positively to the new policy measures. However, there is still much ground to cover. Adherence to timelines, minimisation of judicial interference and promotion of institutional arbitration will play a key role in making the arbitration process user friendly and cost effective in India.
- **The mission of this conference is to analyse the recent trends and developments in arbitration rules and regulations, 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 experiences and exchange views and opinions.**

Target Audience

- The conference is a must-attend for officials/managers from:

- Infrastructure developers (roads, ports, airports, construction, water, metro rail, railways, power, renewable, urban infrastructure, oil and gas, townships/SEZs)
- Government and policymakers
- Infrastructure-related government agencies
- EPC firms
- State infrastructure development organisations
- Arbitration institutions
- Legal firms
- Practicing Arbitrators
- Advocates
- Commercial banks and financial institutions
- Infrastructure fund managers
- Financial advisory firms
- Project executing agencies
- Insurance firms
- Sector consultants
- Bilateral and multilateral agencies
- Academic and research institutions
- Credit rating firms
- Equipment manufacturers
- Technology providers
- Etc.

Organisers

*The conference is being organised by **India Infrastructure Publishing**, the leading provider of information on the infrastructure sectors. The company publishes **Indian Infrastructure** (a magazine on infrastructure policy and finance), **Power Line** (India's premier power magazine), **tele.net** (a magazine targeted primarily at telecom service providers and large enterprise customers) and **Renewable Watch** (covers the entire spectrum of renewable energy). It also publishes a series of research reports and weekly newsletters in the areas of **power, oil and gas, ports and shipping, roads and bridges, airports, urban infrastructure, telecom and railways**.*

AGENDA/STRUCTURE

TRENDS, ISSUES AND OUTLOOK

- What has been the arbitration experience with infrastructure projects in India?
- What are the key recent trends and developments?
- What are the biggest challenges? What are the key unresolved issues?
- What is the outlook?

ARBITRATION AND CONCILIATION (AMENDMENT) ACT, 2015: IMPACT ON INFRASTRUCTURE SECTOR

- What are the key features of the new Arbitration and Conciliation (Amendment) Act, 2015?
- What will be its impact on infrastructure companies and projects?
- What are the key unresolved issues?

DEVELOPER/OPERATOR PERSPECTIVE

- What has been the experience of infrastructure developers/operators across sectors with regard to arbitration in India and abroad?
- What will be the impact of recent policy measures?
- What are their major issues and concerns?
- What are their expectations from the government and other stakeholders?

CONSTRUCTION CONTRACTORS' PERSPECTIVE

- What has been the experience of construction contractors with regard to arbitration in India and abroad?
- What will be the impact of recent policy measures?
- What are their major issues and concerns?
- What are their expectations from the government and other stakeholders?

ARBITRATION INSTITUTIONS' VIEWPOINT

- What has been the role of arbitration institutions in India (ICA, ICADR, Indian Institute of Arbitration and Mediation, etc.)?
- What is the view of these institutions on the arbitration process in India? What are the key challenges?
- What lessons can be learnt from global arbitration institutions?

ARBITRATION AGREEMENTS

- What are the various types of arbitration agreements?
- How have arbitration agreements evolved over the years? What role can FIDIC conditions play is the resolution of disputes?
- What has been the experience so far (across infrastructure sectors)?

ARBITRATORS' PERSPECTIVE

- What has been the arbitrators' perspective with regard to infrastructure projects in India?
- What are the key issues and challenges? What have been the lessons learnt?
- What can be done to improve the process of arbitration in India?

INTERNATIONAL ARBITRATION

- What has been the arbitration experience globally?
- What has been the role of foreign arbitration institutions (SIA, London Court of International Arbitration, etc.)?
- What are the global best practices? Which of these are the most relevant for India?

COST AND TIME MANAGEMENT

- What are the key challenges in managing the costs and time overruns associated with arbitration?
- What are the strategies being adopted to overcome these? What are the global best practices? Which of these are the most relevant for India?

Previous Participants

Indian Infrastructure and Power Line magazines organise annual conferences on sectors like Ports, Gas, Hydro power, Airports, Power, Roads, Solar and Telecom, as well as other conferences on Legal Issues in Infrastructure, PPPs in Infrastructure, Impact of GST on Power Sector, Impact of GST on Logistics Sector, etc.

The organisations that participated in our above conferences include ACME, Abhijeet Power, Actis Advisor, Adani Ports & SEZ, Adani Power, ADB, Adhunik Power, Aditya Birla Finance, AERA, Afcons, AION India Investment Advisors, ALMT Legal, Andhra Pradesh Industrial Infrastructure Corporation, APM Terminals, Ardeshir B. Cursetjee & Sons, Ashoka Buildcon, ATC India, Aurum Equity, Axis Bank, Axis Private Equity, Axis Trustee Services, AZB Partners, Bajaj Electricals, Balmer Lawrie, Barclays Capital, Baring Private Equity, BARSYL, BBMB, BEML Limited, BG Shirke, BHEL, BP India, BPCL, Brescon Corporate Advisors, Bridge & Roof Co., BRIDGE TO INDIA, BRNL, BSES, BSNL, C&S Electric, CESC, Chennai Airport, Chennai Metro Rail, CIDCO, Cipher Capital, CLP Power, CONCOR, Consulate General of Canada, Corporation Bank, Canada Pension Plan, CRISIL, Crompton Greaves, DB International, DFCCIL, Dhir & Dhir Associates, Dilip Buildcon, Dolat Capital, DP World, DSP Blackrock, DSP Financial & Management Consultancy, DSP Merrill Lynch, Dupont, E&Y, Edelweiss Asset Reconstruction, Elsamex India, EMC, Era Infra Engineering, Essar Power, Essar Projects, Essel Infraprojects, Essel Utilities, EXIM Bank, Feedback Brisa, Feedback Infra, Fortum, FoxMandal, Frischmann Prabhu, GAIL, Gamesa, Gammon, Gati Infra, GE, GIFT, GIZ, GMR, GMR Infrastructure, Goldman Sachs, Green Infra, Greenko, GSPC, GTL Infrastructure, Gujarat Gas, Gupta Power Infrastructure, GVK Power, GVR Infraprojects, HCC, HDFC, Hindalco Industries, Hindustan Powerprojects, Hochtief Concessions, HPCL, ICICI Bank, ICICI Venture, ICRA, ICT, IDBI, IIFCL, IL&FS Energy Development Company, IL&FS Engineering & Construction, IL&FS Financial Services, IL&FS Investment Managers, IL&FS Maritime Infrastructure, IL&FS Transportation Networks, IMFA, India Power Corporation, Indus Towers, Inland Waterways Authority of India, IRB, IRCON International, IREDA, Isolux Corsan, IVRCL Infrastructures, J.M. Baxi & Co., Jaipur Metro Rail, Jawaharlal Nehru Port Trust, Jaypee Infratech, Jindal Steel and Power, JM Financial Institutional Securities, Kalpataru Power, Karnataka Road Development Corporation, KEC, KEI, KfW, KPMG, Krishnapatnam Port, L&T, L&T Infra Finance, L&T Power, Lanco Infratech, Madhucon Projects, Maersk Line, Mahindra & Mahindra, MBL Infrastructures, McNally Bharat Engineering, MEP Infrastructure, Merrill Lynch Bank of America, Morgan Stanley, Moser Baer, Mumbai International Airport, Mumbai Port Trust, Navayuga Engineering, NHAI, NHDCL, NHIDCL, NTPC, NTPC, Oil India, ONGC, Oriental Tollways, Patel Engineering, Petronet LNG, PFC, Power Finance Corporation, Powergrid, Powerlinks Transmission, PricewaterhouseCoopers, PTC India, Punj Lloyd, Rail Vikas Nigam, Ramky Infrastructure, Ratnagiri Gas and Power, Reliance Infra, Reliance Power, Reliance Power Transmission, RITES, Sadbhav Engineering, SBI Capital Markets, Shapoorji Pallonji, Shell India, Simplex Infrastructure, SKS Ispat & Power, Skylark Highway Solutions, Soma Enterprise, SREI Equipment Finance, Statkraft India, Sterlite, Suzlon Energy, Tata Power, Tata Projects, UPEIDA, UTI Capital, Vishwaraj Infrastructure, Welspun Group, YES Bank, and many more.

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Registration Form

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Three delegates	60,000	9,000	69,000	1,150
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India Infrastructure Publishing Private Limited, B-17, Qutab Institutional Area, New Delhi 110016

Tel: +91-11-41688861, 41034615, +91-9560433667; Fax: +91-11-26531196, 46038149

Email: conferencecell@indiainfrastructure.com; Website: www.indiainfrastructure.com