



PHD CHAMBER
OF COMMERCE AND INDUSTRY
VOICE OF INDUSTRY AND TRADE



Conference on Dispute Resolution & Arbitration Norms for Construction & Infrastructure Sector

An Indian and International Perspective

Saturday, July 20, 2024 at 9:30 a.m. | PHD House, New Delhi



JURIDICAL
DOCUMENT COURT HOUSE
ARBITRATION
LEGAL RIGHTS LAW CRIME JUDGEMENT

The Indian Infrastructure sector is the growth engine driving India to become USD 35 trillion GDP economy by 2047.

To achieve this magnificent target, Government of India has initiated various policy and regulatory reforms such as promotion and adaptation of Alternative Dispute Resolution mechanisms such as Arbitration, Conciliation, Mediation and Judicial settlement; and Standardization of documents to help minimize disputes, remove disruptions and improve development pace in projects.

In this direction, PHDCCI, one of the leading Industry chambers in association with M/s ProUltimus Consulting Pvt. Ltd, is organising a Conference on Dispute Resolution and Arbitration Norms for Construction & Infrastructure Sector – An Indian and International Perspective on SATURDAY July 20, 2024, 9:30 AM at PHD HOUSE, NEW DELHI.

The Conference's objective 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.

But when it comes to global rankings in enforcement of contracts, time and cost overruns and legal disputes with respect to infrastructure projects India's has still long way to go. In addition the lack of a mechanism for resolving disagreements also poses as a challenge to infrastructure development as there is a risk of project delays.

Parties to the conflict will have a higher chance of mitigating delay risks by involving technical experts in the dispute resolution process. Effective ways to address disputes and deadlocks will avoid project cost overruns and facilitate smooth completion.

A large number of delegates from Industry, senior officials of Central and State Governments, Policy Makers, Legal Experts, Thought Leaders, Financial Institutions, etc. are expected to attend the Conference.

I feel honoured in inviting you to join the conference or nominate senior officials from your organization to attend. Your presence and inputs will greatly enrich the deliberations. I sincerely hope that you will kindly accept our invitation and send us your positive confirmation at the earliest.

With regards,

Avinash Srivastava
Director
PHDCCI

SALIENT FEATURES OF THE CONFERENCE

CONFERENCE /SEMINAR
EXHIBITION
NETWORKING LUNCH

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.

- Arbitration institutions
- Asset reconstruction companies
- Bilateral and multilateral agencies
- Commercial banks and financial institutions
- EPC firms
- Equipment and technology providers
- Financial advisory firms
- Infrastructure developers
- Infrastructure fund managers
- Infrastructure-related govt. agencies
- Legal firms
- Policymakers and regulators
- Practising arbitrators -Advocates, CA, CS -Tax and other sector consultants
- Project executing agencies
- Sectoral Advisory firms
- State infrastructure development organisations

Inaugural Session: 09:30 AM – 10:15 AM
Networking Coffee Break: 10:15 AM – 10:30 AM

Panel Discussion 1: Multiparty Arbitration in Infrastructure Disputes: 10:30 AM - 11:15 AM

Points of Discussion

1. Role of Interim relief - Insight on section-9 and section-17 of Arbitration & Conciliation Act in construction and infrastructure disputes
2. Emergency arbitrator / emergency interim relief (Is there any standard for granting interim relief)?
3. Liability exclusion clauses
4. Role of Debt Resolution Boards (DRBs) in Dispute Avoidance and Resolution in Multiparty Infrastructure projects.

Panel Discussion 2: Bank Guarantees and fraud risks detection and prevention in Infra / Construction projects: 11:15 AM - 12:00 PM

Points of Discussion

1. Unscrupulous encashment of Bank Guarantees in Infra / Construction projects
2. Legal Remedies / ring fencing against fraud and invocation of Bank Guarantees
3. Role of Arbitration of fraudulent invocation of a bank guarantees cases
4. Invocation of the bank guarantee by a third parties in Infra/ Construction projects.

Panel Discussion 3: Dispute Resolution Mechanism: Current Practices and Future Strategies in resolving infrastructure and construction disputes: 12:00 PM - 12:45 PM

Points of Discussion

1. Conciliation, DABs and Courts as alternative forums to Arbitration and Dispute Resolution
2. Challenge and Enforcement of Arbitration Award.
3. How and on what grounds can awards be challenged and set aside?
4. What requirements exist for recognition and enforcement of domestic and foreign awards; what grounds exist for refusing recognition and enforcement and what is the procedure?

Panel Discussion 4: Issues and Challenges in managing Liquidated damages in infrastructure and Construction Projects - Comparative position - 12:45 PM - 1:30 PM

Points of Discussion

1. How to address delays and ensure accountability in infra and construction projects?
2. Legal Considerations to be taken in account in framing liquidated damages in the contracts.
3. Drafting Suggestions for clauses on liquidated damages.
4. EOT (extension of time) issues
5. Mechanism for Calculation of the quantum of damages

Networking Lunch: 01:30 PM – 02:30 PM

Panel Discussion 5: Role of experts in Construction/ Infra Arbitration - 02:30 PM - 3:15 PM

Points of Discussion

1. Experience of developers/ contractors across sectors with regard to arbitration and dispute resolution in India
2. Role of international arbitration and institutional mechanism arrangements for construction and infrastructure projects.
3. Ensuring impartiality and right subject experts in deciding arbitral awards in infra / construction awards.
4. Lessons that can be learnt from global arbitration institutions?

Panel Discussion 6: Limitation on recovery of damages / compensation - 04:30 PM - 05:15 PM

Points of Discussion

1. Notice and Filing Requirements
2. Claims - Excusable, Non-Excusable, Compensable and Non-compensable delays

Panel Discussion 7: Role of Technologies in Forensic Delay Analysis - Causation and Delay in resolving disputes in Stressed Infra and Assets - 03:15 PM - 04:30 PM

Points of Discussion

1. Role of emerging new technologies such as AI and ML in Forensic Delay Analysis, ERP disputes etc.
2. Indian Experience so far especially with regard to Stressed Assets and in calculating Delay damages
3. Best International Practices which can be incorporated in resolving Indian Infra and Construction assets disputes.

Valedictory Session: Summing Up Day's Deliberation - 4:45PM – 5:15 PM
Session Ends with Networking Hi Tea: 5:15 PM Onwards

Registration Fee:

INR 2,000/- Per Delegate (inclusive of 18% GST) for PHDCCI Members / ProUltimus Consulting *

INR Rs. 2,500/- Per Delegate (inclusive of 18% GST) for Non PHDCCI Members *

Early bird discounts of INR 1000/- Per delegate available (on the delegate fee) on registration received with delegate fees latest by 30 May 2024!

PAYMENT:

Please send Cheque/Draft in favour of "PHD Chamber of Commerce & Industry", payable at New Delhi

Please send wire transfer payments to:

Beneficiary - PHD Chamber of Commerce & Industry

Bank Name - Bank of India

Bank Address-7, Panchsheel Shopping Centre, New Delhi-110016

Bank Account No. : - 602220100010035

Swift Code: - BKIDINBBNPL

IFSC Code:- BKID0006022

PAYMENT POLICY

- Full payment must be received prior to the Conference.
- Registration fee includes all documentation, lunch, tea/coffee and the Conference.
- Payments for "discounted" registrations should come in before the last date of specified discount.
- Delegate Fee is non refundable. However, changes in nominations are acceptable and prior registration is mandatory.
- The Conference is a non residential programme.

About PHDCCI:

PHD Chamber of Commerce and Industry (PHDCCI) has been working as a catalyst for the promotion of Indian industry, trade and entrepreneurship for the past 118 years. It is a forward looking, proactive and dynamic PAN-India apex organization. As a partner in progress with industry and government, PHDCCI works at the grass roots level with strong national and international linkages for propelling progress, harmony and integrated development of the Indian economy.

PHDCCI, acting as the "Voice of Industry & Trade" reaching out to more than 1,50,000 large, medium and small industries, has forged ahead leveraging its legacy with the industry knowledge across multiple sectors to take Indian Economy to the next level.

At the global level, we have been working with the Embassies and High Commissions in India and overseas to bring in the International Best Practices and Business Opportunities.

About ProUltimus:

ProUltimus Consulting is one of the leading management consulting firms in India and consistently expanding across the globe.

This firm specializes in the fields of Claim Management Consultant & Arbitration Expert to the Engineering and Construction industry. The team advise in Construction and Engineering Claims and Disputes/ Arbitration matters and have been involved as Experts in the presence of leading Senior lawyers/QC's in Institutional/Ad-hoc Arbitration in more than 50 Construction and Engineering disputes/arbitration in India and abroad.

The firm primarily supports in DELAY AND CLAIM ANALYSIS to major construction and infrastructure companies in arbitration matters.

ProUltimus has analysed claims involving disputed schedule delays, variation, scope creep, mitigation, time extensions, liquidated damages, loss of productivity, defective specifications, procurement problems, deficient project management performance, property damage, advance loss of profit, cash flow impact, disruption damages.

The firm provides project control, delay analysis, claims analysis and expert testimony services to the engineering and construction industry worldwide. The professionals of ProUltimus have extensive international experience on large, complex EPC turnkey projects.

The firm services clients through its offices across globe primarily in India, Qatar and UAE and each of these offices has a substantive strength of professionals including partners and consultants with their own special area of expertise. This expertise is in areas of claims, dispute resolution, technical disputes, delay analysis and quantum calculations for capital projects.

For more information, please visit www.proultimus.com.

FOR REGISTRATION, SPONSORSHIP AND OTHER QUERIES, CONTACT:

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ARBITRATION