



**INDIAN INSTITUTION  
OF TECHNICAL ARBITRATORS  
DELHI STATE CENTRE**

**5<sup>th</sup> INTERNATIONAL CONFERENCE**

**CONSTRUCTION ARBITRATION  
THE INDIAN AND INTERNATIONAL PERSPECTIVE**

**Vigyan Bhawan, New Delhi  
May 19-20, 2023**



# Indian Institution of Technical Arbitrators, Delhi State Centre

## 5<sup>th</sup> International Conference on CONSTRUCTION ARBITRATION The Indian and International Perspective

### About Us:

The Indian Institution of Technical Arbitrators (IITArb) is an All- India non-profit professional body of Engineers and Architects, devoted to the popularisation of Arbitration as a speedy and cost-effective method for resolution of commercial and contractual disputes. Its objectives are to impart training to members and others in various aspects of Arbitration by conducting short term courses, conferences, workshops, in-house programmes among others to carry out research in Arbitration, build up a specialised reference library, take up Institutional Arbitration and offer consultancy in Arbitration matters.

Registered in 2003 under Societies Registration Act, the Institution has its Head Quarters at Chennai with State Centres at Delhi, Mumbai, Chennai, Bangalore, Hyderabad, Thiruvananthapuram, Kolkata and a local Centre at Madurai.

IITArb Delhi also organises Training programmes and Technical lectures for the Techno legal consultants, Arbitrators and Technical professionals and regularly brings out a quarterly newsletter of the Centre's activities and court judgments in the field of Arbitration.

### The Conference:

The construction industry has seen tremendous growth in many countries including both developed and developing economies. Major developing countries like India and other South Asian countries are executing number of infrastructure projects and many of these are of large value. There is a big potential for infrastructure development in South Asia and rightly so. India is also emerging as the third largest construction market in the world and by 2025, it is expected that the Average Annual Growth in construction sector will reach beyond 7.5% per year.

With growing number of construction activities and projects, the disputes are bound to increase. Parties in the disputes may be Client organizations, Project Executors/Contractors, Consultants, Suppliers and the Sub -Contractors. In fact, greater the number of parties involved, more the likelihood of the disputes. Number of construction disputes are increasing manifold and cannot be completely avoided.

Arbitration plays an important role in smooth, speedy and cost-effective resolution of disputes in engineering contracts, paving the way for expeditious implementation of infrastructure development projects. It is essential that Arbitrators appointed, for resolving disputes, arising from Engineering Contracts, are well versed in the trade and well equipped to comprehend and appreciate the issues involved for proper and speedy disposal of disputes. However, such professionals are required to have thorough understanding of the nuances of the relevant laws concerning arbitration and the related legal aspects.

To meet this objective, IITArb, Delhi State Centre is organising 5<sup>th</sup> International Conference on “Construction Arbitration -The Indian and International Perspective”. The event would provide a much-needed interaction and expertise to groom the serving officers as well as the practicing professionals in the field of arbitration. This Conference will also immensely help the stake holders in Arbitration viz. the Parties, to use the arbitral process more effectively, and the Counsels to use Arbitration truly as an alternative and not as a shadow of litigative process in court.

Construction Arbitration forms major chunk of all arbitrations in India and all over the world. Such Arbitrations are often complex and have their own peculiarities, besides being fact intensive and document heavy. The standard forms of contracts used with bespoke conditions involve issues of construction of such contracts. This, along with need of contextual interpretation and varying factual matrix, make application of judicial precedents, sometimes difficult. Moreover, the law needs to evolve at a pace, to meet the changing commercial necessity. Where, there is legislative lag, the judicial precedents, by their nature tied to the past, also need to be forward looking.

Construction law and arbitration has much in common among various common law countries and it is advantageous to have a transnational understanding of construction law and arbitration process, including applying the same in India.

The procedural regime in Construction Arbitration needs to cater to such complexity of construction arbitration. The international good practices need to be applied and followed wherever practical and feasible. The idea is to enhance the efficiency of arbitral process with due process and cut down what is irrelevant and to make arbitration more acceptable, less adversarial, more cost effective and quicker. The Conference tries to deal with such transnational concepts in substantive law and good practices in Construction Arbitration. This should be useful to every stake holder in arbitration viz the Parties, the Counsels, the Arbitrators and the Independent Experts.

## Themes and Sub-Themes of the Conference

The Conference will encompass the following themes and sub-themes which will be deliberated upon by a number of experts and professionals of long-standing experience and repute who are being invited to share their experience with the participants –

- An overview of issues related to Construction Arbitration in India and the way ahead
- Issues related to blocked capital in construction contracts, commencing arbitration during the progress of the work; the effectiveness of emergency arbitration in India and foreign jurisdictions
- A continued saga regarding appointment of arbitrator/s in India post amendment with the judicial precedents
- Drafting the Arbitration Clause- Domestic and International Commercial Arbitration
- Dealing with standard forms of Engineering Contracts with bespoke conditions
- Claims & Claim Documentation
- Construction Contracts through EPC mode: Disputes and Resolution of Disputes
- Handling Extra-Contractual Claims: An Indian and International Perspective
- Delay Analysis: How far-How good
- Acceleration, Bonus and Damages: An Indian and International Perspective
- Handling Multi-Party and Multi-Contract Construction Arbitration
- Online Arbitration of Construction Disputes: Procedural Effectiveness and way ahead.
- Pleadings, Evidentiary Proceedings and the Oral Arguments in Construction Arbitration(With particular focus on importance of procedural order/s, drafting of pleadings and submission of evidentiary documents, seeking and allowing disclosure of documents, burden & onus of proof, discussion on the IBA and Prague Rules of taking evidence, oral evidence by fact and party appointed expert witness, use of tribunal appointed expert, written and oral arguments, ensuring efficiency of arbitral process with due process requirement)
- Writing of an Arbitral Award: Standards and Practices
- Challenge and Enforcement of Arbitral Awards in India post amendment 2015
- Issues related to Institutional Arbitration in India and need of the Specialized Institution- The way forward
- Some important case laws in India post 2015 amendment
- # Indian Institution of Technical Arbitrators (IITArb) and Promotion of Effective # Construction Dispute Resolution.

### Venue & Date:

**Vigyan Bhawan, New Delhi, 19-20<sup>th</sup> May 2023**