

The 2nd IBA Litigation and ADR Symposium – the changing landscape of litigation and arbitration in India



the global voice of the legal profession®



18 – 19 August 2023

Le Meridien New Delhi, Delhi, India

Topics include:

- Judicial backlog: speeding up your case in Indian courts
- A conversation with in-house counsels and law firms: what they expect from dispute lawyers
- Transnational issues and enforcement challenges
- Senior counsel roundtable hot topics in dispute resolution
- Workshop: learning from experience best practices in dispute resolution
- Rule of law and the future of the legal profession
- Case management: the right strategies and solutions
- Technology and dispute resolution
- Future of international arbitration

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Programme

Symposium Co-Chairs

Tahera Mandviwala TDT Legal, Mumbai, Maharashtra; Co-Chair, IBA India Working Group Amir Singh Pasrich / L A Pasrich & Company, New Delhi, Delhi; LPD Assistant Treasurer / IBA Assistant Treasurer Kaustubh Sinha Adhrit Legal, Advocates and Corporate Law Consultants, New Delhi, Delhi

Friday 18 August

0830 - 1700 Registration

0930 - 0945 Welcome remarks

Tahera Mandviwala TDT Legal, Mumbai, Maharashtra; Co-Chair, IBA India Working Group

Ramesh Vaidyanathan Advaya Legal, Mumbai, Maharashtra; Co-Chair, IBA Asia Pacific Regional Forum

0945 – 1100 Session one

Judicial backlog: speeding up your case in Indian courts

Indian Courts often decide the outcome of a dispute in the first few days through interim orders. The main dispute can take years thanks to high 'pendency' or case arrears in most courts. Pendency increased with the advent of Covid-19, leading to a side-effect described as the 'pendency pandemic'. Simultaneously, new technology-based reforms and solutions emerged as India realigned itself for virtual hearings, digitised records, online filing and even the somewhat-controlled broadcast of court proceedings. The result may yet be work-in-progress.

This panel will examine the future of Indian litigation, whether a commercial case can be fast-tracked, the risk of innocent undertrials awaiting justice and the prospects of expedited dispute resolution over the next few years. The panel will also explore solutions and advocate best practices for achieving faster adjudication.

Session Chair

Amir Singh Pasrich I L A Pasrich & Company, New Delhi, Delhi; LPD Assistant Treasurer / IBA Assistant Treasurer

Session keynote speaker

Hon Justice Sanjay Kishan Kaul Judge, Supreme Court of India, New Delhi, Delhi

Panellists

Sidharth Luthra Senior Advocate, Supreme Court of India, New Delhi, Delhi

Hon Justice Rekha Palli Judge, Delhi High Court, New Delhi, Delhi

Sidharth Sharma General Counsel, Tata Sons, Mumbai, Maharashtra Hon Justice (Retd) Arjan K Sikri Former Judge, Supreme Court of India, New Delhi, Delhi

1100 - 1115 Coffee/tea break

1115 – 1230 Session two

A conversation with in-house counsels and law firms: what they expect from dispute lawyers

In this session we will have the much-needed conversation with law firms and general counsels – what do they need and expect from dispute lawyers today? In evaluating this relationship and the current gaps, we will identify what dispute lawyers today need to do to improve their standing and relationship with law firms and general counsels.

Session Chair

Tahera Mandviwala TDT Legal, Mumbai, Maharashtra; Co-Chair, IBA India Working Group

Panellists

Rajeev Chopra Managing Director - Legal, Accenture, Gurugram, Haryana

Manjaree Chowdhary Senior Executive Director & General Counsel, Maruti Suzuki India, New Delhi, Delhi Sanjeev Gemawat Group General Counsel, Vedanta Group, New Delhi, Delhi

Avinash Pradhan Rajah & Tann, Singapore Pallavi Shroff Shardul Amarchand Mangaldas, New Delhi, Delhi; Asia Pacific Regional Forum Liaison Officer, IBA Arbitration Committee

1230 – 1315 Session three

Transnational issues and enforcement challenges

There are major challenges faced in recognition and enforcement of arbitral awards internationally due to unharmonised arbitration laws and different decisions by local courts. In view of this, the panellists will discuss the following issues:

• recognition and enforcement of emergency awards, partial awards and interim awards;

Headline social event sponsors







Friday continued

- · challenges from the defaulting party in enforcement proceedings;
- public policy and its implications on the enforcement of arbitral awards:
- monetising arbitral awards; and
- attachment proceedings.

Session Chair

Noppramart Thammateeradaycho Tilleke & Gibbins, Bangkok; Vice Chair, IBA Asia Pacific Arbitration Group

Panellists

Joseph Durkin Senior Vice President, Burford Capital, Dubai Sanjeev Kapoor Khaitan & Co, New Delhi, Delhi Krishnayan Sen Luthra and Luthra Law Offices, New Delhi, Delhi P Sivakumar BR Law Corporation, Singapore Taeko Suzuki Nishimura & Asahi, Tokyo

1315 – 1430 Lunch

1430 - 1545 Session four

Senior counsel roundtable – hot topics in dispute resolution

This session brings together eminent senior counsels from across India and beyond: from Chandigarh to Chennai and from the Strand to Singapore. Their back stories are as diverse as their practice areas. The session will showcase and celebrate the sheer diversity in litigation culture in various parts of India. Panellists will discuss best practices they have picked up through their years of navigating the Indian courts and through the exposure and experiences gained in alternative forums. Expect their frank views and candid assessments of the state of commercial litigation in the various jurisdictions they have practiced in. Chatham House Rule will apply.

Session Chair

Abraham Vergis SC Providence Law Asia, Singapore Panellists

Akshay Bhan Senior Advocate, High Court of Punjab & Haryana, Chandigarh Arvind Datar Senior Advocate, Madras High Court, Chennai, Tamil Nadu Madhavi Goradia Divan Senior Advocate, Supreme Court of India, New Delhi, Delhi Promod Nair Senior Advocate, High Court of Karnataka, Bangalore, Karnataka Gaurav Pachnanda Senior Advocate, Supreme Court of India, New Delhi, Delhi

1545 - 1600 Coffee/tea break

1600 - 1715 Session five

Workshop: learning from experience – best practices in dispute resolution

Through a workshop format, we will discuss current issues and best practices in litigation and arbitration, with real life examples and current trends setting the stage for candid discussions and exchange of thoughts on how real-life situations have and should be dealt with in practice.

Session Chair

Hermann Knott Kunz, Cologne; Officer, IBA Mediation Committee

Panellists

Girish Mishra Arbitrator, New Delhi, Delhi Rahul Narayan Chandhiok & Mahajan, New Delhi, Delhi Chandra Rajan Advocate, Supreme Court of India, New Delhi, Delhi Bhavik D Rajani Arbitrator, Panaji, Goa Lin Yuankai RPC Premier Law, Singapore

Saturday 19 August

0830 - 1700 Registration

0930 - 1045 Session six Rule of law and the future of the legal profession

In this keynote session we will hear from some of the most prominent legal positions and personalities on the rule of law and the future of the legal profession. Both current trends and future expectations will be discussed.

Session Chair

Tahera Mandviwala TDT Legal, Mumbai, Maharashtra; Co-Chair, IBA India Working Group

Conference reception sponsors



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1730 – 1830 Networking drinks

Panellists

Almudena Arpón de Mendívil Gomez Acebo & Pombo, Madrid; IBA President

Manan Mishra President, The Bar Council of India, New Delhi, Delhi

Hon Justice Gautam Patel Bombay High Court, Mumbai, Maharashtra

VK Rajah SC former Attorney General of Singapore, Singapore Lubna Shuja President, Law Society of England & Wales, London R Venkataramani Attorney General of India, New Delhi, Delhi

1045 - 1100 Coffee/tea break

Conference refreshment break sponsor



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1100 - 1215 Session seven

Case management: the right strategies and solutions

This session will discuss the ideal case management order. We will analyse sample orders from various jurisdictions, and discuss various important aspects of case management such as:

- the right stage to have a case management hearing;
- possible challenges to a case management orders;
- judicial time management; and
- equipping a court with the necessary technical infrastructure for fast-track dispute resolution.

We will also seek inputs of the panellists as to the state and priority accorded to case management hearing and its implementation in their jurisdictions and whether, in their view, the concept of case management can be extended to subject areas beyond commercial litigations.

Session Chair

Kaustubh Sinha Adhrit Legal, Advocates and Corporate Law Consultants, New Delhi, Delhi

Panellists

Sudhir Gupta Senior Advocate, Rajasthan High Court, Jaipur, Rajasthan

Hon Justice Pankaj Jain Judge, High Court of Punjab & Haryana, Chandigarh

Hon Justice A K Jayasankaran Nambiar Judge, Kerala High Court, Ernakulam, Kerala

Hon Justice Prathiba M Singh Judge, Delhi High Court, New Delhi, Delhi

1215 – 1330 Session eight Technology and dispute resolution

The use of modern technology continues to have an impact on the mode and manner of dispute resolution. This session aims to enlighten the stakeholders on various tools, techniques and best practices involving the use of the technology which are relevant for modern day practitioners in order to stay ahead of the curve. The session will inter-alia cover the following:

- Use of technology and access to justice, such as live streaming of court proceedings, free access to information/judicial precedents, and transcription of the hearings.
- Virtual hearings India and global experience? Guidelines issued by various organisations?
- Performance enablers and softwares that can be used to bring efficiency in dispute resolution: assistance in drafting pleadings, e-discovery, and recording of evidence.
- Use of artificial intelligence driven softwares and their assistance in adjudication of disputes: international and Indian perspective, opportunities and challenges.
- Use of private online dispute resolution (ODR) for adjudication of disputes: a discussion on 'the ODR Policy Plan for India' issued by Niti Aayog.

• Ethical issues in managing a dispute virtually – screen fatigue, bandwidth issues, breach of confidentiality, cyber and data breach.

Session Chair

Alipak Banerjee Nishith Desai Associates, New Delhi, Delhi; Diversity and Inclusion Officer, IBA Professional Ethics Committee

Panellists

Satyajit Gupta EXL, New Delhi, Delhi; Secretary, IBA Asia Pacific Regional Forum

Sneha Jaisingh Bharucha & Partners, Mumbai, Maharashtra Arush Khanna Numen Law Offices, New Delhi, Delhi; Vice Chair, IBA India Working Group

Chittu Nagarajan Founder & CEO, CREKODR, Chennai, Tamil Nadu

L Badri Narayanan Lakshmikumaran & Sridharan, Mumbai, Maharashtra; Vice Chair, IBA India Working Group

1330 - 1430 **Lunch**

1430 - 1545 Session nine

The future of international arbitration

International arbitration continues to gain significance with the number of arbitral institutions on the rise globally. However, what are the challenges moving forward? This panel will discuss the future of international arbitration with reference to specific cutting-edge developments relating to the interplay between insolvency and international arbitration proceedings, the governing law of the arbitration agreement, and the circumstances in which non-signatories may find themselves bound to an arbitration agreement. The panel will also discuss the implications of the recent decision to open the Indian legal market has on international arbitration in India, the governance of ethical standards in international arbitration and the rise of international commercial courts as an alternative option for cross-border dispute resolution.

Session Chair

Dinesh Dhillon Allen & Gledhill, Singapore; Vice Chair, IBA Asia Pacific Regional Forum

Panellists

Sharmistha Chakrabarti Skadden, New York, New York Shaneen Parikh Cyril Amarchand Mangaldas, Mumbai, Maharashtra Shankh Sengupta Trilegal, New Delhi, Delhi Helen Wang Carey Olsen, Singapore

1545 - 1600 Closing remarks

The IBA, its officers and staff accept no responsibility for any views expressed, presentations or materials produced by delegates or speakers at the Conference.

The organisers may at any time, with or without giving notice, in their absolute discretion and without giving any reason, cancel or postpone the Conference, change its venue or any of the other published particulars, or withdraw any invitation to attend. In any case, neither the organisers nor any of their officers, employees, agents, members or representatives shall be liable for any loss, liability, damage or expense suffered or incurred by any person, nor will they return any money paid to them in connection with the Conference unless they are satisfied not only that the money in question remains under their control but also that the person who paid it has been unfairly prejudiced (as to which, decision shall be in their sole and unfettered discretion and, when announced, final and conclusive).

Information

Date

18 – 19 August 2023

Venue

Le Meridien New Delhi Windsor Place New Delhi, India, 110001 Tel: 91-1800111415 Website: https://www.marriott.com/en-us/hotels/delmd-le-meridien-newdelhi/overview/

By registering for the conference you agree to the following, the delegate code of conduct and all venue precaution notifications:

- You will not attend the conference if you are displaying any Covid symptoms
 - Should you develop any Covid symptoms during your attendance at the conference you inform a member of IBA staff by email (confs@intbar.org) and you agree not to attend any further conference sessions or related events
- comply with all local and national restrictions
- You travel at your own risk and you agree that the IBA cannot be held responsible if you contract Covid during the conference or after returning from the conference
- You agree to the extent permitted by law that you shall not hold IBA responsible for: any travel costs incurred for travelling to and from the conference; any travel costs that may be irrecoverable due to the cancellation or postponement of the conference; any losses or liabilities associated with contracting Covid whether on the way to, during or after the conference.
- You agree that, if asked by the relevant local or national authorities, the IBA has permission to pass on your personal information and contact details to those authorities should contact tracing be required.

Fees

Online registrations received:

	on or before 21 July	until 11 August
IBA member	US\$180	US\$225
Non-member *	US\$225	US\$280

Hard copy registration forms and fees received:

	on or before 21 July	after 21 July
IBA member	US\$195	US\$240
Non-member *	US\$240	US\$295

* If you would like to become a full or general member of the IBA, which includes membership of one committee or more – and inclusion in and access to our membership directory – we encourage you to do so now in order to register for this Conference at the member rate. You can find full details of how to join at **www.ibanet.org**.

Full payment must be received in order to obtain your Conference documentation.

Language

All working sessions and Conference materials will be in English.

How to register

Register online by **11 August** at **www.ibanet.org/conference-details/ CONF2365** and make payment by credit card to avail of the ten per cent online registration discount or complete the attached registration form and return it to Maria Chew at the IBA together with your proof of bank transfer payment. You should receive an email confirmation of your registration within five days; if you do not, please contact **maria.chew@ int-bar.org**.

Fees include:

- * Attendance at all working sessions
- * Access to the Conference materials from the IBA website (www.ibanet. org), including any available speakers' papers submitted to the IBA before **11 August**
- * Access to live delegate search
- * Networking drinks on Friday
- * Lunch on Friday and Saturday
- * Tea and coffee during breaks
- * Any applicable local taxes

Please note that registrations are not transferable.

List of participants

In order for your name to appear in the list of participants, your registration form must be received by **11 August** at the latest.

Live delegate search

Delegates are able to use the live delegate search via the IBA website, in order to use this function delegates will need to be logged into their MyIBA. This will allow search access to up-to-date attendance lists.

Registration confirmation

Upon receipt of your payment for the Conference a confirmation email will be sent to you which contains information regarding your attendance at the Conference. You will also be able to view and download your payment information and manage your registration via your My IBA profile on the IBA website.

Book with confidence

- If the IBA needs to reschedule the event, your registration will be automatically transferred to the new date and no additional fees will be charged. If this date is not convenient for a delegate, a refund of the cost of the conference place will be available on request to the IBA.
- If the IBA is unable to reschedule the conference within 12 months of the original scheduled date, a full refund of the cost of the conference place will automatically be made to all delegates.
- Please note that the IBA will not provide refunds for any other costs incurred including any travel costs.

Please note, these terms are subject to any more restrictive or different local requirements and may be altered and amended from time to time to reflect any changes to restrictions or government requirements.

Photography and filming

Certain sessions and/or social functions may be photographed and/or filmed and some of this content may be used for future IBA marketing materials, member communications, products or services. Should you have any concerns with regard to this, or do not wish to be featured in any of these materials please contact the IBA Marketing Department at **ibamarketing@int-bar.org**.

Payment of registration fees by bank transfer or BACS payment Registration forms received without proof of payment will NOT be processed until proof of payment has been received.

US dollars: by bank transfer to the IBA account at the National Westminster Bank, St James's & Piccadilly Branch, 208 Piccadilly, London W1A 2DG, United Kingdom. SWIFT address NWBKGB2L, IBAN GB55NWBK60730101286498

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Please ensure that a copy of the bank transfer details is attached to your registration form.

Use the exchange rate prevailing at the time of registration.

Online credit card payments: by Visa, MasterCard or American Express. No other cards are accepted.

PLEASE ENSURE THAT YOUR NAME AND 'CONF2365 INDIA' APPEAR ON ANY TRANSFER OR DRAFT.

No deductions or withholdings

All fees payable to us by you in accordance with the terms contained in this 'Information' section shall be paid free and clear of all deductions or withholdings whatsoever.

Cancellation of registration or social functions

If cancellation is received in writing at the IBA office by **28 July 2023**, fees will be refunded less a 25 per cent administration charge. Refunds will be made minus any monies owed to the IBA.

We regret that no refunds can be made after this date. Registrations or social function bookings received after **28 July** will not be eligible for any refund of fees. Please note that the IBA will however offer a full refund if you are required to cancel your registration due to Covid related reasons; we will require written confirmation of your cancellation by the end of business on the first day of the conference.

Should you have difficulties in obtaining your visa and are not able to attend the Conference this cancellation policy will still apply.

Upon submission of your completed Conference registration form to the IBA you are considered 'registered' pending payment. Please note that the cancellation terms and conditions as indicated will apply as soon as your registration is received.

Promotional literature

Please note that no individual or organisation may display or distribute publicity material or other printed matter during the Conference, unless by prior arrangement with the IBA. Organisations and companies wishing to discuss promotional opportunities should contact the IBA Sponsorship Department at **sponsorship@int-bar.org**.

If any deductions or withholdings are required by law to be made from any fees payable to us by you under the terms contained in this 'Information' section you shall pay such sum as will, after the deduction or withholding has been made, leave us with the same amount as we would have been entitled to receive in the absence of any such requirement to make a deduction or withholding.

If we obtain the benefit of any tax credit or other relief by reference to any such deductions or withholdings, then we shall repay to you such amount as, after such repayment has been made, will leave us in no worse position than we would have been had no such deductions or withholdings been required.

Conference sell-outs

The IBA places its conferences in venues of a suitable size for each event; however, there are times when our conferences may sell out. Should this happen, prospective delegates will be informed and a waiting list will operate. The waiting list will function on a 'first come, first served' basis, subject to receiving registered delegate cancellations. The waiting list for a conference will close once it has reached ten per cent of the conference venue capacity, as it is very unlikely a place will become available. The IBA will not be liable for any travel or accommodation expenses incurred by an individual who travels to a conference without a confirmed place at the event.

Provided you have cancelled your registration to attend an IBA Conference in accordance with the terms of the 'cancellation of registration' clause included in the 'Information' section of the relevant Conference programme, you must then confirm to us in writing at the IBA office as soon as possible, but in no event later than one year (12 calendar months) from the date of any such Conference, all necessary details to enable any reimbursement owed to you to be paid. We regret that no refunds will be made after the date that is one year (12 calendar months) after the date of the relevant Conference.

Travel arrangements and visas

Participants are responsible for making their own travel arrangements. It is recommended that you check your visa requirements with your local embassy or consulate. We are unable to dispatch visa invitation letters to support your visa application prior to receipt of your registration form and full payment of registration fees.

Please apply for your visa in good time.

Continuing Professional Development/Continuing Legal Education

For Conference delegates from jurisdictions where CPD/CLE is mandatory, the IBA will provide a Certificate of Attendance for the Conference. Subject to CPD/ CLE requirements, Conference delegates can use this to obtain the relevant number of hours' accreditation. The number of CPD/CLE hours available may vary depending on the rules applied by the members' bar association/law society on time recording criteria.

A Certificate of Attendance is available to Conference delegates on request. Please ask at the IBA Conference registration desk for information on how to obtain the certificate.

IBA Harassment Policy

IBA IBA conferences provide unrivalled professional development and network-building opportunities for international legal practitioners and their professional associates. The IBA values the participation of every delegate and member of the IBA and wants all attendees to have an enjoyable and fulfilling experience. Accordingly, all Conference attendees are expected to show respect and courtesy to other attendees, IBA staff and those involved with hosting the events throughout the Conference and at all Conference events, receptions, and parties, whether officially organised by the IBA or others. All delegates, guests, attendees, speakers, exhibitors, staff and volunteers at any IBA event are required to conform to the IBA Harassment Policy.

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Disclosure of dietary information denotes you have agreed to the IBA sharing this information with relevant third parties who are providing catering on our behalf.

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US dollars: by bank transfer to the IBA account at the National Westminster Bank, St James's & Piccadilly Branch, 208 Piccadilly, London W1A 2DG, United Kingdom.

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Use the exchange rate prevailing at the time of registration.

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International Bar Association

the global voice of the legal profession

The International Bar Association (IBA), established in 1947, is the world's leading organisation of international legal practitioners, bar associations and law societies.

The IBA influences the development of international law reform and shapes the future of the legal profession throughout the world. It has a membership of more than 80,000 individual lawyers and more than 190 bar associations and law societies spanning over 170 countries.

Inspired by the vision of the United Nations, the IBA was founded in the same spirit, just before the Universal Declaration of Human Rights was proclaimed in 1948.

The IBA covers all practice areas and professional interests, providing members with access to leading experts and up-to-date information, enabling them to better represent their clients' interests.

Through its various committees, fora and task forces, the IBA facilitates the exchange of information and views among its members as to laws, practices and professional responsibilities relating to the practice of law around the globe.

IBA Asia Pacific Regional Forum

In addition to offering an unrivalled opportunity to establish contact among lawyers within and outside the region, and with acknowledged experts on different areas of law, specialist Forum activities provide an unparalleled opportunity to keep abreast of legal business developments in the region. Members also benefit from excellent working relations with national Bars, the Inter-Pacific Bar Association and LAWASIA.

IBA India Working Group

The India Working Group (IWG) was set up in late 2016 and is made up of 28 lawyers representing firms across India. The IWG was formed to act in an advisory capacity to the IBA officers of the Asia Pacific Regional Forum (APF), senior IBA officers and the Asia Office regarding various aspects of the IBA's activities in India and specific to Indian members. The main aims of the IWG are to engage Indian members to become more actively involved in IBA activities, to increase the number of Indian members of the IBA, and to identify and implement ways the IBA can assist lawyers in India with issues pertinent to the legal profession there.

Contact information:

International Bar Association 5 Chancery Lane London WC2A 1LG United Kingdom Tel: +44 (0)20 7842 0090 Email: **confs@int-bar.org** www.ibanet.org International Bar Association Asia Office Trade Tower, Suite 4306 511 Yeongdong-daero (Samseong-dong) Gangnam-gu, Seoul, South Korea 06164 Tel: +82-2-6279-8100 Fax: +82-2-6279 8101 Email: **asia.office@int-bar.org** www.ibanet.org