

7 DAYS COURSE IN ARBITRATION

Monday, 25th March 2019 to Monday, 1st April 2019

(Excluding Sunday)

at IMC Chamber of Commerce and Industry

Dear Sir / Madam,

Encouraged by the excellent responses we at IMC have been receiving to the Arbitration Course being organized by our Chamber for the past several years on an annual basis, we are pleased to announce that this year too, we are organizing the flagship event, i.e. the **"7 Days Course in Arbitration"** from Monday, 25th March 2019 to Saturday, 30th March 2019 and on Monday, 1st April 2019 at the Babubhai Chinai Committee Room, 2nd Floor, IMC Building, IMC Marg, Churchgate, Mumbai 400020. This Course is devised by members of IMC's "Arbitration Committee" and, as usual is organized and conducted under the auspices of IMC's Arbitration Committee, which is headed by Mr. Gautam T. Mehta as its present Chairman and its present Co-Chairman Mr. Bhavesh V. Panjuani, together with its Committee members.

This exhaustive Course on arbitration will be conducted over 14 sessions. Speakers at the sessions are Hon'ble Judges of the Bombay High Court, Senior Counsel, Advocates and Solicitors, having in-depth knowledge and expertise on the subject.

Eminent Speakers who have agreed to speak and conduct sessions this year, presently include Justices of the Bombay High Court His Lordship The Hon'ble Mr. Justice R. D. Dhanuka, His Lordship The Hon'ble Mr. Justice S. C. Gupte, His Lordship The Hon'ble Mr. Justice K. R. Shriram and The Hon'ble Mr. Justice S. J. Vazifdar (Retd. Chief Justice of the Punjab & Haryana High Court); and Mr. Arif Bookwala, Mr. Ketan Parikh, Mr. Rajiv Kumar, Mr. Rahul Narichania, Mr. Anant Shende and Mr. Gautam Mehta amongst other eminent speakers.

This course was initially developed under the guidance of past Committee Chairman of several years Late Mr. D. M. Popat (Advocate & Solicitor, and Senior Partner of M/s. Mulla & Mulla and Craigie Blunt & Caroe until his demise) and was implemented by the then Committee Members such as Sr. Advocate Mr. Ketan Parikh and Advocate Mr. Gautam T. Mehta jointly with various other dedicated Committee members such as Mr. Bhavesh V. Panjuani (Advocate & Solicitor, and Partner of M/s. Mulla & Mulla and Craigie Blunt & Caroe), Advocate Ms. Renu Parekh amongst others; and has continued with active assistance of present committee members like Sr. Advocates Mr. Janak Dwarkadas and Mr. Rajiv Kumar, Advocates Mr. S.D. Israni and Mr. Anant Shende, Counsel Mr. Kirti Munshi and Mr. Naushad Engineer, Advocate Mr. Prashant D. Popat, Advocate & Solicitor Mr. Raj Panchmatia, Advocate & Solicitor Mr. Rohan Dakshini, Advocate Mr. Rakesh Mandavkar, Prof. Ms. Mohana Raje and Ms. Mukta Mahajani.

This Course will be of immense knowledge, learning and value to those involved or interested in Arbitration. Certificates will be issued on successful completion of the course to only those participants who attend a minimum of eleven (11) full sessions out of the entire course of fourteen (14) sessions (*See note below*).

In the past years, the speakers have been former Supreme Court and High Court Judges, prominent Senior Counsel, Senior Solicitors, Counsel, Solicitors and Advocates, who have handled a number of Arbitration matters, as Arbitrators and/ or as Counsel/ Advocates/ Solicitors appearing before Arbitrators.

Some of the **Main Speakers** who in these past several years, have very graciously given their invaluable time, knowledge and experience in conducting various sessions of this course are:

Justices of the Bombay High Court His Lordship the Hon'ble Mr. Justice R. D. Dhanuka, His Lordship the Hon'ble Mr. Justice S. C. Gupte, His Lordship the Hon'ble Mr. Justice K. R. Shriram and His Lordship the Hon'ble Mr. Justice G. S. Patel;

Past Justices - The Hon'ble Mr. Justice S. P. Bharucha (Retd. Chief Justice Supreme Court of India), The Hon'ble Mrs. Justice Sujata Manohar (Retd. Justice Supreme Court of India), The Hon'ble Mr. Justice B. N. Srikrishna (Retd. Justice Supreme Court of India), The Hon'ble Mr. Justice D. R. Dhanuka (Retd. Justice Bombay High Court);

Senior Counsel, Senior Solicitors & Advocates - Sr. Counsel Mr. Iqbal Chagla, Sr. Counsel Mr. Ashok N. Modi, Sr. Counsel Mr. Rafique Dada, Sr. Solicitor & Advocate Late Mr. D. M. Popat, Sr. Counsel Mr. Rohit A. Kapadia, Sr. Counsel Mr. Saleh H. Doctor, Sr. Counsel Mr. Edul P. Bharucha, Sr. Counsel Mr. Janak Dwarkadas, Sr. Counsel Mr. Fredun Devitre, Sr. Counsel Dr. Milind Sathe, Sr. Counsel Mr. Darius Khambata, Sr. Counsel Mr. T. N. Subramanian, Sr. Counsel Mr. Atul Rajadhyaksha, Sr. Counsel Ms. Rajani Iyer, Sr. Counsel Mr. Pradeep Sancheti, Sr. Counsel Mr. S. U. Kamdar, Sr. Counsel Mr. Rajiv Kumar, Sr. Counsel Mr. Ketan D. Parikh, Sr. Counsel Mr. Kevic Setalvad, Sr. Counsel Mr. Rahul Narichania, Sr. Counsel Mr. Mustafa Doctor, Sr. Solicitor & Advocate Mr. C Rashmikant, Sr. Solicitor & Advocate Mr. Atul Desai, Advocate Mr. Anant K. Shende, Counsel Mr. Gautam Mehta; amongst several other eminent former Judges, Sr. Counsel and Advocates.

The Main Speakers have been ably assisted by **Associate Speakers**, who too have very graciously given their invaluable time, knowledge and experience in researching, preparing material, speaking at various sessions of this course, some of whom are:

Counsel Mr. Shaunak Thacker, Counsel Ms. Armin Wandrewala, Advocate & Solicitor Mr. Bhavesh V. Panjvani, Counsel Ms. Manjari Shah, Counsel Mr. Kirti Munshi, Counsel Mr. Naushad Engineer, Counsel Mr. Sharan Jagtiani, Counsel Mr. Yash Kapadia, Counsel Mr. Arif Doctor, Counsel Mr. Farhan Dubash, Advocate Mr. Rishabh Shah, Counsel Mr. Sarosh Bharucha, Solicitor Mr. Shailesh Kalambi, Advocate Ms. Tanu Mehta, Counsel Mr. Paritosh Jaiswal, Counsel Mr. Chirag Kamdar, Counsel Mr. Darshit Jain, Counsel Ms. Sushma Nagaraj, Counsel Mr. Rubin Vakil, Counsel Mr. Karl Tamboly, Counsel Mr. Rohaan Cama, Counsel Ms. Misbah Dada, Counsel Ms. Ankita Singhania, Counsel Mr. Pranav Desai, Counsel Ms. Sneha Phene, Counsel Mr. Yashesh Kamdar, Counsel Mr. Nikhil Jayakar, Counsel Ms. Nina Nariman, Counsel Ms. Yugandhara Khanwilkar, Counsel Ms. Naira Jejeebhoy, Counsel Mr. Hussain Somji, Counsel Mr. Vyom Shah, Counsel Mr. Ali Antulay, Advocate Mr. Om Prakash, Advocate Ms. Amiksha Joshi, Counsel Mr. Sandeep Parikh, Advocate Ms. Sumran Shende, Advocate Mr. Arzan Bulsara, Advocate Ms. Amrita Joshi, Advocate Mr. Rashmin Khandekar, Advocate Mr. Aditya Shiralkar, Advocate Mr. Rajiv Naik, Advocate Ms. Meenakshi Dhanuka-Rungta, Advocate & Solicitor Mr. Rohan Dakshini, Advocate Mr. Kushal Tamhane, Advocate Ms. Mallika Taly, Advocate Mr. Mahek Kamdar, Prof. Ms. Mohana Raje; amongst several other eminent Counsel, Advocates and Associates.

IMC is and will always remain indebted and grateful to each and every one of them.

DATE & TIME

1. **Monday, 25th March, 2019** : **05.15 p.m. to 08.30 p.m. (Two Sessions)**
2. **Tuesday, 26th March, 2019** : **05.15 p.m. to 08.30 p.m. (Two Sessions)**
3. **Wednesday, 27th March, 2019** : **05.15 p.m. to 08.30 p.m. (Two Sessions)**
4. **Thursday, 28th March, 2019** : **05.15 p.m. to 08.30 p.m. (Two Sessions)**
5. **Friday, 29th March, 2019** : **05.15 p.m. to 08.30 p.m. (Two Sessions)**
6. **Saturday, 30th March, 2019** : **10.15 a.m. to 01.30 p.m. (Two Sessions)**
7. **Monday, 1st April, 2019** : **05.15 p.m. to 08.30 p.m. (Two Sessions)**
(A total of Fourteen sessions).

Each session will be approximately one and half hours (1 & ½ hours). In between two sessions on each day, there will be a very brief break of maximum 15 minutes for refreshments and snacks, and all participants are requested to adhere to the break duration very strictly.

OBJECTIVE

This Certificate Course is designed to impart a fairly detailed knowledge of various legal and practical aspects of arbitration, including provisions in the Arbitration and Conciliation Act, 1996, including the 2015 amendments to the Act, in a systematic manner. The Course would also try to cover the current positions as emerging from judgments of Courts.

The thrust of the Government, on a priority, is to encourage and promote ADR (*Alternate Dispute Resolution including arbitrations*) as a preferred mode of resolving disputes and reducing court litigations in commercial matters.

Sitting Judges, Eminent Senior Counsel, Advocates and Arbitrators having knowledge, practical experience in the field of Arbitration, subject to their availability, will be the Main Speakers conducting these sessions, delivering lectures, ably aided and assisted by the Associate Speakers.

Rapid developments are taking place in India in the fields of Trade, Commerce and Industry resulting in the increase of commercial contracts being entered into by Indian Entrepreneurs within the country, as well as, outside. There has also been a substantial increase in commercial disputes and differences, which parties prefer to be resolved expeditiously, fairly and independently.

Though the Government of India and the Judiciary are taking several steps for fast dispensation of justice through the Courts of Law, due to a variety of reasons, including large arrears of pending cases and influx of new cases in various Courts, expeditious disposal becomes difficult. The Government and the Judiciary therefore, have taken and are taking various steps to popularize Alternative Dispute Resolution (ADR) methods for resolving commercial disputes. Arbitration, at present, is one of the preferred ADR methods for resolving disputes. However, to make Arbitration successful, effective and economical, there is also an urgent need for Courses in Arbitration, dealing with not only the legal aspects of the Arbitration, but also its practical aspects.

Recognizing this need, IMC has, for the past several years, taken upon itself the task of creating awareness of Arbitration as one of the useful and effective methods of Alternative Dispute Resolution (ADR) and, also arranging Seminars, Conferences, Workshops and Courses attended and conducted by persons of eminence in the field. IMC as a prominent chamber of commerce and industry has in the past also made representations and submitted papers to the concerned Ministries of the Government in the field of arbitration, amongst others. IMC has also established a modern IMC International ADR Centre (IIAC) at its premises to promote institutional arbitrations.

The Arbitration Course will cover various topics under the following heads (The broad course content is attached with this Circular)

- 1) Introduction to Arbitration;
- 2) Arbitration Agreements;
- 3) Initiation and Invocation of Arbitration;
- 4) Powers of Courts of Law (*before, during and after Arbitral proceedings*);
- 5) Practical Aspects of Arbitral proceedings;
- 6) Arbitral Award (Final and Interim);
- 7) Post Award matters;
- 8) Foreign Awards.

(The Course contents, topics, sequence/ order of the sessions, dates and the Speakers are subject to change, if the circumstances so require and are at the discretion of IMC and its Arbitration Committee in consultation with the Main Speakers. Material for the respective sessions will be provided, if the same is prepared and submitted by its Main Speaker and Associate Speaker at their discretion. However, kindly note that this material is strictly for personal use and reference of the registered participants only and is not to be copied, circulated or disseminated in part or full.)

FEES

EARLY BIRD REGISTRATIONS ON PAYMENT OF FULL FEES ON OR BEFORE SATURDAY 2nd MARCH 2019

NON IMC MEMBERS	Rs. 13,500/- (plus 18% Goods and Service Tax) Per Participant
IMC MEMBERS	Rs. 13,000/- (plus 18% Goods and Service Tax) Per Participant
STUDENTS <i>(Strictly for those who are pursuing their studies in law)</i>	Rs. 7,500/- (plus 18% Goods and Service Tax) Per Participant <i>(Student Category at a substantially discounted rate is limited to 5 student participants only. Participant under this category must be in Final Year of law degree course (either 3 years or 5 years course). Production of original ID Card and submission of a copy of the same is mandatory at the time of registration.)</i> No Early Bird Registration benefit is applicable to this category.

REGISTRATIONS ON PAYMENT OF FULL FEES AFTER
SATURDAY 2nd MARCH 2019

NON IMC MEMBERS	Rs. 14,000/- (plus 18% Goods and Service Tax) Per Participant
IMC MEMBERS	Rs. 13,500/- (plus 18% Goods and Service Tax) Per Participant
STUDENTS <i>(Strictly for those who are pursuing their studies in law)</i>	Rs. 7,500/- (plus 18% Goods and Service Tax) Per Participant <i>(Student Category at a substantially discounted rate is limited to 5 student participants only. Participant under this category must be in Final Year of law degree course (either 3 years or 5 years course). Production of original ID Card and submission of a copy of the same is mandatory at the time of registration.)</i>

(Fees include the cost of background study material and papers, if any, prepared by Main and/or Associate Speakers, Tea/Coffee, Light snacks, etc.)

PARTICIPATION

This Training course is specifically designed for professionals, such as Advocates, In House Legal Counsel and Law officers, Chartered Accountants, Company Secretaries, Cost Accountants, Engineers, Architects, Surveyors, Insurers, Businessmen and Corporate Executives.

TERMS OF ADMISSION

To maintain standards and quality, a **very limited number of participants will be registered and admitted** to the course strictly on 'first-come-first-served' basis subject to payment of full fees. Waitlisted participants may be enrolled and accommodated, subject to cancellations, if any, and subject to payment of full fees. The registration fee of a participant is non-transferable.

The enclosed Registration Form, duly filled and signed must be delivered to the Director General, IMC Chamber of Commerce and Industry **along with** payment of registration fee in Cash **or** Cheque (drawn in favour of "IMC Chamber of Commerce and Industry") **or** details of payment by direct online bank transfer, at the earliest to avoid disappointment.

Details for online payment are as follows:

1.	NAME OF ACCOUNT / BENEFICIARY	IMC Chamber of Commerce and Industry
2.	ACCOUNT NUMBER	Current Account – 319501010036589
3.	NAME OF THE BANK	Union Bank of India
4.	ADDRESS OF THE BANK AND THE BRANCH	V N Road Branch, Churchgate, Mumbai 400 020
5.	IFSC CODE OF THE BANK BRANCH	UBIN0531952
6.	MICR No.	400026021
7.	PAN	AAATI0047H

IMPORTANT NOTE FOR ALL: All Participants to kindly note that attendance by a participant is mandatory for a minimum of eleven (11) full sessions out of fourteen (14) sessions of the course and shall be a pre-requisite for receiving a Certificate for successful completion of the course.

For registration and further details, please contact **Legal Department, IMC**, on **Tel. No. 022-712266729/640** or email on legal@imcnet.org or visit our website www.imcnet.org.

Thanking you,

Yours faithfully,

Ajit Mangrulkar
Director General

7 DAYS COURSE IN ARBITRATION

Monday, 25th March 2019 to Monday, 1st April 2019 (Excluding Sunday)

Broad Course Content

SESSION I

Introduction to Arbitration - Part I

1. What is essence of Arbitration, as compared with mediation, conciliation and as opposed to valuation, opinion and other similar processes;
2. The advantages of Arbitration;
3. What types of disputes could be referred to arbitration (commercial, family, etc.);
4. Arbitration is adjudicatory in nature;
5. Contractual Arbitrations and Statutory Arbitrations;
6. To what extent the Arbitration and Conciliation Act, 1996 (as amended) differs from UNCITRAL (as updated in 2010);
7. Suggested books on Arbitration. - Very briefly;
8. Objectives and salient features of Arbitration and Conciliation Act, 1996 (as amended by the Arbitration & Conciliation Act, 2015) – Very briefly; and
9. Institutional Arbitration vs. Ad-hoc Arbitration – [Very briefly an overview].

SESSION II

Introduction to Arbitration – Part II

Advantages of Arbitration and Institutional Arbitration

1. How to have cost effective Arbitrations;
2. Arbitrator's Fees and administrative costs in arbitral proceedings; (Ad-hoc Arbitrations and Institution based Arbitrations);
3. Institutions named in arbitration clause;
4. Multi-tiered arbitration clauses, providing for an appeal in arbitration, and whether it is preferable to incorporate it. Judgments of the Courts;
5. Pros and cons of the new provisions requiring that arbitrations should be completed within one year;
6. Advantages and necessity of faster Arbitrations (S.29A and S.29B – Fast track procedure);
7. How to make the process of Arbitrations faster;
8. Institutional Arbitrations vis-à-vis Ad hoc Arbitrations (also the recent policy by the Government of Maharashtra for Institutionalised Arbitrations);
9. Importance of administrative assistance in Arbitrations; and
10. [can also discuss entry and exit of foreign law firms for arbitration proceedings - AK Balaji vs Govt of India (MADHC 2012)];

SESSION III**Introduction to Arbitration - Part III**

1. Arbitration Agreements as defined in the Act (S.7, as amended for electronic records);
2. How to draft an Arbitration Agreement / Clause:
 - a. what provisions can and ought to be included in it;
 - b. precautions to be taken;
 - c. Place of arbitration (Seat and Venue) - Seat / Place of Arbitration (S.2(2) as amended r/w Sec. 20) (distinguished between Venue and Seat of Arbitration) (ONGC - Videocon - Cairn India (DHC 2016));
 - d. substantive & procedural laws applicable to arbitrations;
 - e. rules of procedure, if any;
 - f. jurisdiction of law courts; and
 - g. Institutions named in arbitration clause.
3. Exceptions to the rule that an arbitration agreement in writing is necessary. [The effect of the judgment of the supreme court in Chloro Control and Indowind, and of Hon'ble Bombay High Court in Kathotia; Taiyo Membrane Corporation vs Shapoorji Pallonji (SC 2016) – With regard to parties not party to the Arbitration Agreement];
4. Drafting an arbitration clause when one or more parties to the contract are not in India.

SESSION IV**Introduction to Arbitration - (Part IV)**

1. Doctrine of Separability – an Arbitration Agreement has a life independent of the Main Contract;
2. Arbitrability - What disputes are not arbitrable; & issues of arbitrability of disputes;
3. Multiparty Arbitration and Arbitrations under Multiple Contracts;
4. What is Incorporation by Reference;
5. In rem – In personam – Ref. (i) SC Booz Allen judgment;(ii) Shri Vimal Kishor Shah & Ors. vs Mr. Jayesh Dinesh Shah & Ors. (SC 2016);
6. Dealing with allegations of 'Fraud' in arbitral proceedings – A. Ayyasamy vs A. Paramasivam & Ors. (SC 2016);
7. Scope of Arbitral Reference (State of Goa vs Praveen Enterprises (SC 2011) – Making claims or counter-claims beyond the notice of reference;
8. Successive references under one Arbitration Agreement;
9. Effect of death of a party on Arbitration Agreement (s. 40);
10. Effect of insolvency of party on Arbitration Agreement (Relevance of Bankruptcy & Insolvency Code, 2015); and
11. Scott vs. Avery clause.

SESSION V

Introduction to Arbitration – Part V

Arbitration Agreements

1. Supersession of arbitration agreements, what is and its effects;
2. Applicability of the Arbitration and Conciliation Act, 1996, including Section 21 r/w Section 85;
3. Applicability of the amendments to the Arbitration and Conciliation Act, 1996 and its effect on existing arbitrations and court proceedings (i) New Tirupur Area Development Corporation Ltd. (“NTADCL”) v. M/s Hindustan Construction Co. Ltd. (Madras HC 2015); (ii) Electro Steel Casting Limited v. Reacon (India) Pvt. Ltd (CalHC 2016); (iii) Raffles Design International India Pvt Ltd. vs. Educomp Professional Education Ltd (DHC 2016); (iv) Rendezvous Sports World vs. the Board of Control for Cricket in India, Bombay High Court, Chamber Summons No. 1530 of 2015 (Mumbai);
4. Territorial application (arbitrations taking place in India (domestic) and Abroad (foreign) and *Bhatia International* judgment and effect of Balco judgement on arbitrations), applicability to International Commercial Arbitrations; types of Arbitrations to which applicable (also discuss Union of India vs Reliance Industries Limited (SC 2015) where Bhatia International is clarified); and
5. Scope and applicability of Section 89 of the Code of Civil Procedure, 1908.

SESSION VI

Initiation and Invocation of Arbitrations - Procedures

1. Disputes and differences - When arise;
2. How to initiate Arbitration - Notice invoking Arbitration, precautions to be taken; Section 21 r/w Section 29-A(1);
3. Is Section 21 exhaustive? If not, what are the other possible ways? [r/w Section 8(3)];
4. Reference to Arbitration in pending litigation (S. 8, as amended), including *Sukanya Holding* decision (reported in (2003) 5 SCC 531);
5. Constitution of an Arbitral Tribunal:
 - a. What parties should consider while selecting and appointing arbitrators;
 - b. Procedures in Arbitration Agreements; Govt. contracts; and
 - c. Pre-named Arbitrations.
6. Selection and Appointment of Arbitrators (Section 10 & 11, as amended r/w Section 11(14) and Fourth Schedule and its effect and implementation); Whether this procedure is judicial or administrative, ramifications of the judgements holding it to be judicial, scope of Section 11 (as amended) proceedings (*Assignia-VIL* (reported in (2016) 230 DLT 235 = 2016 SCC OnLine Del 2567)) and issues that can

be raised and decided therein; Relevance and importance of institutional arbitrations compared with ad-hoc arbitrations & Ref. SBP vs. Patel Engineering (reported in (2009) 10 SCC 293);

7. What the Courts are required to do in application u/s 11 including sub -sections (6-A), (6-B) and (13) (as amended), u/s 16 (as amended) of Arbitration Act;

Note: Judgments referred can't be cited as a precedent?

8. Applicability of Section 11 (as amended), where Arbitration Clause refers to Particular Rules of Arbitration which Rules incorporate a method or procedure for reference to Arbitration.

SESSION VII

Powers of Courts of Law (Before commencement of and during the course of arbitral proceedings)

1. Scope of intervention by Courts (S. 5);
2. Court that can be approached and has jurisdiction (Sections 2(1)(e), as amended and 42, as amended);
3. Interim Measures of Protection (Sections 9, as amended r/w Sections 2(2), as amended and Section 17 r/w Section 9(2) & (3), as amended) - Scope, applicability, differences between the two sections;
4. Enforceability of interim Orders;
5. Sec. 37 Appeals from Orders u/ss. 8, 9 & 17 (as amended);
6. Appeals from Orders u/s 37 – Maintainability; and
7. Emergency Arbitrations (i) HSBC PI Holdings (Mauritius) Ltd. v. Avitel Post Studioz Ltd & Ors. (BHC 2014), (ii) Raffles Design International India Private Limited & Ors. v. Educomp Professional Education Limited & Ors (DHC 2016).

SESSION VIII

Practical Aspects of conducting Arbitration - (Part I)

1. Challenge to jurisdiction (u/s. Sec. 16); grounds of challenge; termination of OR continuation of arbitral proceedings.
2. Disclosure and acceptance by an Arbitrator (Sec. 12, as amended r/w Fifth, Sixth and Seventh Schedule) (i) Dream Valley vs Religare (DHC 2016); (ii) Picasso Digital vs Pick-A-Cent (DHC 2016). Judgments of Bombay High Court in BSE case where the question of Panel of two Arbitrators was discussed. (Vinay Bubna case). Challenge to Arbitrator (u/s. Sec. 12-13, as amended). – Grounds of challenge – order of termination.
3. Sec. 37 (as amended) Appeals from Orders – u/s. 16.

SESSION IX**Practical Aspects of conducting arbitral proceedings (Part II)**

1. Applicability of CPC and Evidence Act to Arbitrations; Judgments, analogous provisions – Section 19.
2. Determination of Rules of Procedure (Sec. 19) and those applicable to the substance of the dispute (S.28, as amended);
3. Law and other matters to be applied in determining the dispute (Sec.28 and its Amendment) – Substantive laws and procedures of laws;
4. What is required to be done at the first Meeting of Arbitral Tribunal and necessity of fixing dates for hearings & meetings; How? Where no Section 11 application is involved?
5. Language of proceedings (Sec. 22);
6. Minutes of Meetings / Hearings - Practical suggestions about contents, signatures, copies to be given;
7. Administrative assistance (Sec. 6);
8. Pleadings of Parties - (Statement of Claim, Reply, Rejoinder, Counterclaim etc.) (S.23, as amended) (r/w Section 2(9), Section 25 r/w Section 32(2)(a) & (b); Amendment applications and how to deal with them (compared with O. VI R. 17 of the Civil Procedure Code, 1908).
9. Hearing and Written proceedings (Sec. 24) (discuss the amendments providing for oral hearings to be conducted on a day to day basis and imposition of exemplary costs)
10. Framing of Issues / Points for determination - how, why - whether required, advisable or not;

SESSION X**Practical Aspects in conducting Arbitral proceedings – Part III)**

1. Exploring the possibility of Settlement (Sec. 30):
 - a. taking on record settlements;
 - b. passing of awards in terms of settlement;
 - c. settlement outside the arbitral tribunal /proceedings; and
 - d. Role of Arbitrator on Settlement.
2. Death of an Arbitrator;
3. Failure or impossibility to act on part of an Arbitrator including substitution of an arbitrator (Sec. 14, as amended);
4. Termination of Mandate and substitution of an Arbitrator (Sec. 15) (Shailesh Dhairyawan vs Mohan Balkrishna Lulla (SC 2015));
5. Defaults by party in filing pleadings or default in appearance by a party (Sec. 25 including amendments providing for discretion to treat default as forfeiture);

6. Fees of an Arbitrator (S.11A r/w Fourth Schedule); Rules to be made by High Court (including the aspect whether Arbitrators can revise/ increase their fees during Arbitration proceedings, once they have commenced?); and
7. Advances and deposits towards Arbitrator's fees and administrative costs, security for costs, and accounts during and after arbitral proceedings & refusal of party to deposit or pay advances (Sec. 31(8), 31A, 38 & 39).

SESSION XI

Practical Aspects of conducting Arbitration – (Part IV)

1. Whether it is mandatory to have formal evidence in an Arbitration; if not, what are the alternative methods of proceeding without formal evidence;
2. Documentary evidence and oral evidence (Sections 24 & 25);
3. Disclosure and Discovery of documents – (Importance and necessity);
4. Affidavit of documents, Compilation of documents, inspection and copies - how far necessary;
5. Admission and denial of documents;
6. Assistance of an expert (Sec. 26) (delegation of authority) (Domain expert);
7. Evidence - Affidavits of Evidence, oral evidence, cross examination, re-examination etc. - Practical hints on how to prepare affidavit of evidence, how to cross-examine and re-examine;
8. Recording of Evidence/Suggestions;
9. Court Assistance in arbitral proceedings - (recording of evidence, summons etc.,) u/sec. 27 (Montana vs Aditya Developers (BHC 2016); and
10. How can and should the Arbitral Tribunal expedite procedures (Sections 29A and 29B).

SESSION XII

Awards (Final & Interim)

1. Closure of Hearings;
2. Interim and Final Award (Interim Award and Section 34, as amended);
3. Award of Interest, period of interest and rate of interest (u/s. 31 & section 2 (b) of Interest Act, 1978)
4. Determination, provision of Costs, charges and expenses and on the aspect of interest in Awards; Principle of 'Costs follow the Event' – Costs on Awards (S.31(7), 31A);
5. Hearing for costs & fees;
6. Termination of Proceedings (Section 32);
7. Contents of Award, (Amendments to Sec. 31) how to make and publish an Award, stamping and registration; and

8. What to be done with the records of Arbitration proceedings. (Copies & original documents. The possible grounds of challenge now available; Suggestions on how wide should be the powers of interference with an Award).

SESSION XIII

Post Award matters

1. Effect of an Award on the Mandate of Arbitrators (Sec. 32);
2. Powers of an Arbitral Tribunal after making an Award (Sec.33, 34 (4));
3. Setting aside of an Award (Sec. 34); (Old Section 34 and as amended in 2015);
4. Position prior to ONGC vs. Saw Pipes; Position after ONGC vs. Saw Pipes
Conflict with Public Policy;
5. Finality and enforcement of an Award (Sec. 35 & 36, as amended) (discuss the current position on stay of the operation of the said arbitral award in S.36(2));
6. Sec. 37 – Appeals u/s. 34 (as amended);
7. Effect on the rights of parties if an Award is set aside [Sec.43 (4)]; and
8. Remand to Arbitral Tribunal - Effect.

Points:

- No automatic stay on filing Petition/ Application u/s 34 (Amended Act)
- Retrospective/ Prospective effect of Amendment.
- Patheja Forging Judgment (SC) words “as if”.
- Dirk India Judgment - Interpretation of Sec. 36.

SESSION XIV

Foreign Awards

1. New York Convention (including amendments to S.48);
2. Geneva Convention;
3. Reference to Arbitration;
4. Evidence;
5. Enforcement;
6. Appeal

Note: Including Amendments to Sections 47, 48 & 56, 57.

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Date: _____

To,
The Director-General
IMC Chamber of Commerce and Industry
IMC Marg, Churchgate
Mumbai - 400 020

Contact Details:
Tel : 022- 71226729/640
Fax : 22048508 / 22838281
E-mail: legal@imcnet.org

7 DAYS COURSE IN ARBITRATION
Monday, 25th March 2019 to Monday, 1st April 2019 (Excluding Sunday)
at IMC Chamber of Commerce and Industry

[NOTE: (1) Maximum 3 registrations in case of an organization are allowed per form, and in case of individuals, each participant shall fill out, sign and submit a separate form; (2) Both Pages of this form are required to be filled by all the participants along with his/her/their signatures on the 2nd page; (3) In case any organization / institution / firm / company / person requires an invoice in respect of payment of Registration Fees for this program, then name of such organization / institution / firm / company / person, its valid GST Number and registered office address are mandatory and shall be mentioned fully and clearly in this Form; (4) If participant is claiming the benefit of membership of IMC, then valid IMC Membership Number is required and shall be provided by the participant in this form; (5) Submission of this form, fully filled out, duly signed and with full payment of necessary registration Fee are mandatory and prerequisites to confirm the enrollment of participant/s for this program]

I/We would like to attend the above 7 Day Arbitration Course / We have pleasure in deputing the following delegate/s for the above Arbitration Course. The particulars of the participant/s are as follows (in block capital letters):

1. Name of the Participant/s (Full name in Block Letters)
 - a) Mr./Mrs./Miss/Ms./Mx _____
Qualification _____
 - b) Mr./Mrs./Miss/Ms./Mx _____
Qualification _____
 - c) Mr./Mrs./Miss/Ms./Mx _____
Qualification _____
2. Designation/s (a) _____ (b) _____ (c) _____
3. Name of the Organization _____
4. IMC Membership No. of organization or of individual (if any) _____
5. Address: _____

6. E-mail: (a) _____
(b) _____
(c) _____

7. Contact No. (a) _____ (b) _____ (c) _____
8. Mobile No. (a) _____ (b) _____ (c) _____

Registration Fees:

Early Bird Registration Fee on or before 2 nd March 2019	Non IMC Members	Rs.13,500/- (plus 18% Goods and Service Tax) Per Participant
	IMC Members	Rs.13,000/- (plus 18% Goods and Service Tax) Per Participant
Registration Fee after 2 nd March 2019	Non IMC Members	Rs.14,000/- (plus 18% Goods and Service Tax) Per Participant
	IMC Members	Rs.13,500/- (plus 18% Goods and Service Tax) Per Participant
No Early Bird Registration benefit is applicable to this category.	Students <i>(Strictly for those who are pursuing their studies)</i>	Rs.7,500/- (plus 18% Goods and Service Tax) Per Participant <i>(Student Category limited to 5 participants only. Participant under this category must be in Final Year of law degree course (either 3 year or 5 year course). Production of original ID Card and submission of a copy is mandatory at the time of registration.)</i>

(Fees include the costs of background study material and papers, if any, prepared by Main and/or Associate Speakers, Tea/Coffee, Light snacks, etc. The enrolment and registration fee of a participant is non-transferable and non-refundable.

The Course contents, topics, sequence/ order of sessions, dates and the Speakers are subject to change, if the circumstances so require and are at the discretion of IMC and its Arbitration Committee in consultation with the Main Speakers. Material for the respective sessions will be provided, if the same is prepared and submitted by the concerned Main Speaker and Associate Speaker at their discretion. **However, kindly note that this material is strictly for personal use and reference of the registered participants only and is not to be copied, circulated or disseminated in part or full.**

IMPORTANT NOTE: All Participants to kindly note that attendance by a participant is mandatory for a minimum of eleven (11) full sessions out of fourteen (14) sessions of the course, and shall be a pre-requisite for receiving a Certificate for successful completion of the course.

Enclosed herewith please find cash / cheque drawn in favour of 'IMC Chamber of Commerce and Industry' / details of direct online bank transfer effected in the designated bank account of IMC Chamber of Commerce and Industry, towards Registration Fee for _____ participant/s Rs. _____.

Details for online payment are as follows:

1.	NAME OF ACCOUNT / BENEFICIARY	IMC Chamber of Commerce and Industry
2.	ACCOUNT NUMBER	Current Account – 319501010036589
3.	NAME OF THE BANK	Union Bank of India
4.	ADDRESS OF THE BANK AND THE BRANCH	V N Road Branch, Churchgate, Mumbai 400 020
5.	IFSC CODE OF THE BANK BRANCH	UBIN0531952
6.	MICR No.	400026021
7.	PAN	AAAT10047H

We have read and duly noted the contents herein, as well as of the concerned circular in this regard, and agree to and accept the same.

Thanking you,

yours faithfully,

Signature

Date of Submission: