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Infrastructure**

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2nd Annual Conference on

# **LEGAL ISSUES IN INFRASTRUCTURE**

July 11-12, 2017, Le Meridien, New Delhi



"Early Bird" discount ends on June 20, 2017

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# LEGAL ISSUES IN INFRASTRUCTURE

## Mission

- Infrastructure projects are quite prone to disputes and litigation. There are many reasons for these. Risk allocation in contracts is not balanced. Financial appraisals are not stringent. Contract enforcement is weak. And high stakes are involved due to the large investments required for these projects.
- The biggest reason for these disputes, however, is the fact that the infrastructure law, in many ways, is still evolving. A number of laws need to be revisited and, perhaps, redefined for faster execution of infrastructure projects.
- Public-private partnerships (PPPs) are still limited. Project development and preparation are often lacking, resulting in legal disputes between the stakeholders.
- Most of the above mentioned issues can be minimised with an effective resolution mechanism and more attention being paid to aspects such as project planning, monitoring and risk assessment.
- The government has revised/is revising some laws to fast-track projects. New laws have been enacted related to arbitration, bankruptcy and offtake of stressed assets, which could have a very significant impact on the infrastructure sectors and players. Model concession agreements are in the process of being modified, based on the changing requirements across infrastructure sectors.
- The role of “independent” regulators has increased, which has made the system fairer and more transparent. Apart from courts, there are now regulatory agencies and appellate tribunals. The role of arbitrators has also increased. However, the speed with which matters are solved remains a challenge.
- The goods and services tax (GST) could mean a significant lowering of total tax costs, and thus reduce tax disputes and litigation.
- These measures are expected to make the litigation process more time and cost efficient. At present, the time taken is inordinate and the costs exorbitant. As per the World Bank’s Ease of Doing Study, 2016, India takes as many as 1,420 days and around 40 per cent of the claim value to resolve disputes.
- **The mission of this conference is to analyse the recent trends and developments in infrastructure law, discuss the impact of key laws and regulations already enacted or under consideration, highlight the key unresolved issues and examine the future outlook. The conference will also offer a platform for different stakeholders to share their experiences and exchange views and opinion.**

## Target Audience

The conference is targeted at officials and managers from:

- Infrastructure developers (*roads, railways, ports, airports, power, renewable, oil & gas, coal, mining, water & waste management and urban transportation*)
- Legal firms
- Sectoral advisory firms
- Policymakers and regulators
- Commercial banks
- Financial institutions
- Industry analysts
- Consultants

## Previous participants

*The participants in our previous conferences included Adani Ports, Aditya Birla Finance, Advaita Legal, Alstom, Axis Bank, AZB & Partners, Bank of America, Bharat Petroleum Corporation Limited, BMR & Associates LLP, BPCL, Chennai Metro Rail Corporation, CIDCO, Dedicated Freight Corridor Corporation, DSK Legal, Economic Laws Practice, Engie, Essel Infraprojects, GMR, Government of Chattishgarh, Hindustan Construction Company, Hotcrete Infrastructure, IDFC Alternatives, IIFCL, IJM (India)Infrastructure Limited, IL&FS, IL&FS Township & Urban Assets Limited, IL&FS Trust Company Limited, India Infradebt Limited, IndusLaw, Infrastructure Development Corp. (Karnataka), J. Sagar Associates, Japan Bank for International Cooperation, JM Baxi Group, JSW Infrastructure Limited, Khaitan & Co, Knight Frank (India) Pvt. Ltd, L&T Infrastructure Development Projects, L&T Infrastructure Finance Co., Law Senate, Link Legal India Law Services, Luthra & Luthra, Mahaguj Collieries, Maharashtra State Power Generation Company, Manraj Projects, Mumbai International Airport, NTPC, O.P. Khaitan, Orange Renewable, Orbit Law Services, Phoenix ARC, PTC India Financial Services, Rail Vikas Nigam, ReNew Power Ventures, Safire Capital, SBI Capital Markets, Shardul Amarchand Mangaldas, Simplex Infrastructure, SREI, Talwar Thakore, Tata Capital, Tata Capital Financial Services Limited, Tata Cleantech Capital Limited, Tata Power Delhi Distribution Company, TRIL Roads, Trilegal, Trust Investment Advisors Pvt. Ltd, TT&A, Uniquist Infra Ventures, Welspun Energy Private Limited, etc.*

## AGENDA/STRUCTURE

### GOVERNMENT PERSPECTIVE: INITIATIVES FOR SPEEDIER DISPUTE RESOLUTION

- ❖ What is the government's perspective on dispute resolution in infrastructure?
- ❖ What steps are being taken to fast-track the process of dispute resolution in India?
- ❖ What policy and regulatory changes can we expect in future?

### REGULATORY AGENCY EXPERIENCE

- ❖ What is the role played by agencies like the CERC, TRAI, PNGRB and AERA?
- ❖ What can we learn from the experience so far?
- ❖ Do regulatory agencies speed up or slow down the resolution process?

### EPC CONTRACTS

- ❖ What are the key legal issues/considerations in infrastructure contracts (damages, liabilities, delays, suspension/termination, indemnities, etc.)?
- ❖ Are the contracts balanced and the risk allocation appropriate?
- ❖ What has been the experience with PPP concessionaires?
- ❖ What has been the experience with the government and other stakeholders?

### ARBITRATION EXPERIENCE AND NEW AMENDMENT ACT

- ❖ What has been the arbitration experience with infrastructure projects?
- ❖ What are the key features of the Arbitration and Conciliation (Amendment) Act, 2015?
- ❖ What will be its impact on infrastructure companies and projects?

### FOCUS ON LAND ACQUISITION

- ❖ What will be the impact of the current Land Acquisition Bill?
- ❖ What are the biggest challenges arising from the bill?
- ❖ What is the status of the land acquisition bills being pursued by some states?

### FOCUS ON ENVIRONMENT CLEARANCES

- ❖ What are the key features of the environmental laws (relating to infrastructure projects)?
- ❖ What have been the key issues and challenges?
- ❖ What have been the recent changes in the environmental clearance process?

### REVISITING MODEL CONCESSION AGREEMENTS

- ❖ How have the infrastructure concession agreements evolved in India?
- ❖ Are these concession agreements balanced and the risk allocation appropriate?
- ❖ What are the changes needed in these agreements?

### RISK ALLOCATION AND MITIGATION

- ❖ What are the key risks related to Indian infrastructure projects?
- ❖ Which of these risks are not covered adequately in most agreements?
- ❖ How can these risks be properly mitigated?

### CUSTOMER PERSPECTIVE

- ❖ What are the key legal issues that the infrastructure players (developers, contractors, etc.) are facing?
- ❖ How are these issues being addressed?
- ❖ What are the sector-specific changes required in policy/regulation or law?

### SPOTLIGHT ON GST

- ❖ What are the key features of GST?
- ❖ What are the key positives and potential benefits?
- ❖ What will be its impact on infrastructure companies and projects?
- ❖ What are the key concerns and challenges? What are the unresolved issues?

### DEBT RESTRUCTURING (CDR, SDR, S4A)

- ❖ What are the best practices in debt restructuring from a legal perspective?
- ❖ What has been the experience with debt restructuring schemes (CDR, SDR, S4A) so far? What are the key issues and challenges?
- ❖ What can we learn from the experience so far in the infrastructure sector?

### INSOLVENCY AND BANKRUPTCY CODE

- ❖ What are the key features of the Insolvency and Bankruptcy Code, 2016?
- ❖ What will be its impact on the infrastructure sectors and players?
- ❖ What are the key unresolved issues?

### M&As IN INFRASTRUCTURE

- ❖ What are the key regulations regarding mergers and acquisitions in the infrastructure area (especially PPP projects)?
- ❖ What are the key constraints and challenges?
- ❖ How are these challenges and constraints being addressed?

### FOCUS ON KEY SECTORS

- |                              |                   |
|------------------------------|-------------------|
| ❖ Ports                      | ❖ Roads           |
| ❖ Power                      | ❖ Mining          |
| ❖ Renewables                 | ❖ Oil and Gas     |
| ❖ Airports                   | ❖ Urban Transport |
| ❖ Water and Waste Management |                   |

### These will be sector specific sessions covering the following topics:

- ❖ What are the specific legal issues that the sector is facing?
- ❖ How are these issues being addressed?
- ❖ What changes are desired in policy/regulation or law?

## 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**.

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## Registration Form

I would like to register for the conference. I am enclosing Rs \_\_\_\_\_ vide cheque/demand draft no. \_\_\_\_\_ drawn on \_\_\_\_\_ dated \_\_\_\_\_ in favour of **India Infrastructure Publishing Pvt. Ltd.** payable at New Delhi.

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## Registration Fee

Delegates	Discounted fee (before June 20, 2017)				Fee without discount (after June 20, 2017)			
	INR	Service tax @ 15%	Total INR	Total USD	INR	Service tax @ 15%	Total INR	Total USD
One delegate	28,000	4,200	32,200	537	35,000	5,250	40,250	671
Two delegates	44,000	6,600	50,600	844	55,000	8,250	63,250	1,054
Three delegates	60,000	9,000	69,000	1,150	75,000	11,250	86,250	1,438
Four delegates	76,000	11,400	87,400	1,457	95,000	14,250	109,250	1,821

- There is also a 20 per cent "early bird" discount for those registering before June 20, 2017.
- Registration will be confirmed on receipt of the payment.
- To register online, please log on to <http://indiainfrastructure.com/conf.html>

**Payment Policy:**

- The conference is a non-residential programme.
- Full payment must be received prior to the conference.
- Conference fees include lunch, tea/coffee and conference materials.
- Payments for "early bird" registrations should come in before the last date of discount.
- Conference fees cannot be substituted for any other product or service being extended by India Infrastructure Publishing Private Limited.
- Discount offers cannot be combined with any other offer.

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