



4th Edition

LEGAL ISSUES IN INFRASTRUCTURE

A VIRTUAL CONFERENCE

Emerging Trends, Resolution Strategies and Next Steps

October 19-20, 2020

Organisers:

**Indian
Infrastructure**

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Mission

- Infrastructure project implementation and execution continue to be fraught with legal challenges. The Covid-19 pandemic is expected to further deepen the legal issues faced. Inordinate project delays will have a cascading effect on contractual obligations. While the pandemic has been categorised as a force majeure event, its classification as political or non-political is unclear. This will have a strong bearing on the extent and timeliness of relief measures and compensation.
- In the past three to four months, the infrastructure sectors have witnessed a significant increase in Covid-related disputes and arbitration cases. To reduce the build-up of arbitration cases, agencies such as NHA and TRAI are taking specific steps to fast-track the arbitration process. There is a greater focus on the use of technology and digital tools such as online dispute resolution and virtual hearings, e-discovery of documents and data management systems to reduce delays in the arbitration process.
- The ongoing disruptions have also brought gaps in the exiting concession and financial agreements to the forefront. The extent of relief is not uniform across various PPP contracts. The standardisation of contracts is missing. Thus, for now, safeguards would vary from case to case based on the agreement amongst the concerned parties.
- In the case of EPC projects, contract requirements are not well defined. Moreover, contractual obligations of the construction player in a pandemic situation need legal attention if arbitration is to be avoided by the parties involved.
- The government has taken a number of proactive steps to make the legal process effective. On June 5, 2020, the Insolvency And Bankruptcy Code (Amendment) Ordinance, 2020, was announced with the insertion of section 10A, which has practically suspended the applicability of sections 7, 9 and 10 of the Insolvency & Bankruptcy, 2016, for the initiation of fresh bankruptcy proceedings against persons impacted by Covid-19, for at least six months up to a maximum of one year.
- Recently, an interministerial group approved changes to the BOT model concession agreement (MCA) for highway projects. The revised MCA includes improved provision in areas such as revenue assessment, dispute resolution and land acquisition.
- Going forward, there is a strong case for building judicial capacity to adjudicate force majeure cases and take the necessary steps to minimise legal issues. Strengthening the institutional capacity to handle disputes is one such area.
- **The mission of this conference is to highlight and understand the unresolved legal issues in the infrastructure sectors, identify the regulatory challenges that have come to the forefront since the Covid-19 outbreak, highlight the recent initiatives, and discuss the way forward. The conference will also offer a platform for different stakeholders to share their experience and exchange views and opinions.**

Target Audience

The conference is targeted at:

- Infrastructure developers (*roads, railways, ports, airports, power, oil and gas, coal, mining, water and waste management, and urban transportation*)
- Policymakers and regulators
- Commercial banks and financial institutions
- Legal firms
- Industry analysts
- Financial/Sectoral advisory firms
- Tax and other sector consultants
- Infrastructure-related government agencies
- Bilateral and multilateral agencies
- EPC firms
- Asset reconstruction companies
- Infrastructure fund managers
- Etc.

DRAFT AGENDA

MANAGING RISKS AND DEFAULTS DURING COVID-19

- ❖ What are the recent trends with regard to the management of legal risks across the infrastructure sectors?
- ❖ What are the key issues? What are the key initiatives taken to mitigate the legal risks posed by the Covid-19 outbreak?
- ❖ What are the mitigation strategies?

IMPACT OF FORCE MAJEURE ON CONSTRUCTION CONTRACTS

- ❖ What are the challenges associated with invocation of force majeure?
- ❖ What are the regulatory interventions needed to address these?
- ❖ What are the expectations from the government?

IMPACT OF FORCE MAJEURE ON FINANCIAL AGREEMENTS

- ❖ What are the challenges associated with the invocation of force majeure?
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REGULATORS' VIEWPOINT

- ❖ What has been the experience so far? What are the strategies for faster dispute resolution?
- ❖ What are the cost and time overruns associated with arbitration?
- ❖ What are the Covid-related challenges being faced in dispute resolution? What are the other issues and concerns?

MANAGING DISPUTES: CHALLENGES, STRATEGIES AND BEST PRACTICES

- ❖ What are the challenges in managing the cost and time overruns in dispute cases?
- ❖ What are the challenges in computing claims? What are the strategies being adopted to overcome these?
- ❖ What are the global best practices? Which is the most relevant in India?

THE WAY FORWARD FOR CONTRACT RENEGOTIATION

- ❖ What are the challenges faced in contract renegotiations?
- ❖ What has been the impact of Covid-19 on contracts?
- ❖ What are the steps needed to improve contract renegotiations?

DEVELOPERS'/CONTRACTORS' PERSPECTIVE

- ❖ What has been the experience of contractors and developers with regard to legal challenges in India?
- ❖ What are the key concerns? What has been the impact of Covid-19?
- ❖ What are the expectations from the government and regulators?

INSOLVENCY AND BANKRUPTCY CODE ORDINANCE, 2020

- ❖ What are the recent amendments in the IBC in light of Covid-19? What is the likely impact of these?
- ❖ What has been the overall experience with IBC in the resolution of stressed assets?
- ❖ What are the legal risks and challenges involved?

UPDATE ON LAND ACQUISITION

- ❖ What are the unresolved issues in land acquisition? How are these being addressed?
- ❖ How have the land acquisition laws evolved over the years?
- ❖ What has been the impact of the amendments?

LEGAL ASPECTS OF ENVIRONMENTAL ISSUES

- ❖ What are the legal & regulatory aspects of environment laws for infrastructure projects?
- ❖ How have the environmental laws evolved over the years?
- ❖ What are the key issues and challenges? How are these being addressed?

REVISITING THE BOT CONCESSION AGREEMENT: EXPECTED AMENDMENTS AND IMPACT

- ❖ What are the key amendments being made to the BOT concession agreement?
- ❖ What are the stakeholders expectations?
- ❖ What is the way forward for BOT in the road sector?

STRESSED ASSETS: LEGAL ASPECTS AND PROVISIONS

- ❖ What are the legal aspects of handling stressed assets?
- ❖ What are the key issues and challenges?
- ❖ What are the stakeholders' expectations from the regulators and the government?

NEED FOR CONSTRUCTION LAW

- ❖ Is there a need for construction law in India?
- ❖ What would be the key benefits? What are the issues and challenges?
- ❖ How should this process be initiated?
- ❖ What can be learnt from the global experience?

FOCUS ON DISPUTE RESOLUTION: CURRENT PRACTICES AND FUTURE STRATEGIES

- ❖ What has been the experience with regard to dispute resolution?
- ❖ What are the alternate dispute resolution mechanisms in India?
- ❖ What have been the key strategies adopted during the Covid-19 pandemic (online dispute resolution, virtual hearing, e-discovery, etc.)?
- ❖ What are the key issues and challenges?

Previous Participants

The organisations that have participated in our previous "Legal Issues in Infrastructure" conferences include: AECOM, Adani Ports, Aditya Birla Finance, Advaita Legal, Alstom, Axis Bank, AZB & Partners, Bank of America, Bharat Petroleum Corporation Limited, BMR & Associates LLP, BPCL, Chhattisgarh Road Development Corporation, Chennai Metro Rail Corporation, CIDCO, CLP India, DBS Bank, Dedicated Freight Corridor Corporation, DSK Legal, Economic Laws Practice, Engie, Essel Infraprojects, GMR, Government of Chhattisgarh, 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), International Cargo Terminals And Rail Infrastructure, Jammu and Kashmir State Power Development Corporation, 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, Mazagon Dock Shipbuilders, Mumbai International Airport, National Steel & Agro Inds, National Academy for Indian Railway, 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, Statkraft Markets, 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, Visakha Container Terminal, Welspun Energy Private Limited, etc.

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Registration Fee

	INR	GST@18%	Total INR	Total USD
1 Login	9,000	1,620	10,620	150
2 - 3 Logins	15,000	2,700	17,700	250
4 - 5 Logins	21,000	3,780	24,780	350
6 - 9 Logins	27,000	4,860	31,860	450
10 - 20 Logins	33,000	5,940	38,940	550

- There is a 25 per cent discount before October 1, 2020
- GST @18 per cent is applicable on the registration fee.
- Registration will be confirmed on receipt of the payment.

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- Conference fees cannot be substituted for any other product or service being extended by India Infrastructure Publishing Pvt. Ltd.

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.

For sponsorship and delegate registrations, contact:

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