

| 2021

Certificate Course on Practical Knowledge of Arbitration and Dispute Resolution



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The course is tailored to empower Corporates with a functional and practical understanding of Arbitration (both domestic and International Commercial Arbitration). The goal is for the attendees to gain practical knowledge on Dispute Resolution, Drafting and Understanding Arbitration Clauses and much more.



Benefits of

ATTENDING

- Understand basics of dispute resolution and arbitration and arbitration process
- Understand how arbitration clauses work and draft better arbitration clauses
- Understand about the Appointment of arbitrator, constitution of arbitral tribunal and practical aspect of arbitration done
- Manage the initial phases of a dispute resolution before commencement of arbitration such as communications with other parties, invocation of arbitration
- Understand Remedies against an arbitral order, arbitral award, execution and enforcement proceedings.

AGENDA



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Welcome address

Session 1 – Fundamentals of Arbitration as Dispute Resolution

- Introduction to Dispute Resolution
- Dispute Resolution in India
- Early neutral evaluation
- What to do in case a dispute arises?
- Negotiation/ Conciliation/ Mediation/ Arbitration
- Contours of Domestic Arbitration
- How is it different from International Commercial Arbitration?
- General overview of the Arbitration Process
- Role of professionals in Mediation, Arbitration and Dispute Resolution



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Session 2 – Drafting and Understanding Arbitration Clauses

- What is an arbitration agreement? Key features
- Stamping of arbitration agreement: a necessity?
- Drafting arbitration clauses- pitfalls to avoid
- Working of arbitration clauses in “multi-contract” situations
- Practical understanding of “Seat, Place and Venue”- how these may affect your arbitration, including International Commercial Arbitration.
- Can domestic parties choose a foreign seat?
- Examining the threshold for existence of arbitration agreement under section 8, 9 and 11.
- Examples and Case Studies



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Session 3– Appointment of arbitrator, constitution of arbitral tribunal and practical aspect of arbitration

- Appointment and eligibility of Arbitrator
- Appointment of arbitrator in International Commercial Arbitration
- Unilateral appointment of arbitrator?
- Challenging the jurisdiction of an Arbitrator
- Arbitrability of fraud
- Giving evidence in Arbitrations
- Interplay of IBC with arbitration
- Interplay of Companies Act with arbitration
- Interplay of MSMED Act with arbitration



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Session 4 – Remedies against an arbitral order, arbitral award, execution and enforcement proceedings

- Challenging an arbitral order- where and how?
- Challenging an arbitral award- when and how?
- “Patent illegality” – an analysis
- “Interim award” – an evolving concept
- Stamping of arbitral award: a necessity?
- Enforcement and execution of an award- a practical look
- Enforcement of emergency award
- Different Arbitral Institutions



Thought
LEADERS

NPS Chawla

Associate Partner

Vaish Associates Advocates

NPS Chawla is a Associate Partner with the Corporate Team of Vaish Associates Advocates, Delhi. He has been associated with the Firm since July, 2008 and has an overall experience of 10 years. Apart from holding a law degree, he is also a fellow member of the Institute of Company Secretaries of India ("ICSI") and holds masters degree in law and master degree in management as well. He is also an elected member of the Northern India Regional Council (NIRC) of the ICSI and was also elected as the Chairman, NIRC-ICSI in the year 2015. He has taken number of sessions / lectures on different subjects in ICAI, ICSI, ICWAI, BVP and various other Management and Law Colleges.



Sujoy Datta

Principal Associate

Vaish Associates Advocates

Sujoy Datta is a Senior Associate with the litigation team, arbitration and dispute resolution practice of Vaish Associates Advocates, Delhi. He has an experience of 4.5 years in civil and commercial litigation. He has been involved in practice before various for a including the Supreme Court, Delhi High Court, various District Courts in Delhi and tribunals including the Company Law Board, Debts Recovery Tribunal, National Green Tribunal and Consumer Forums on a variety of matters including Maharashtra in a variety of matters including contractual and commercial disputes, environmental law litigations, intellectual property disputes, arbitration proceedings, consumer disputes, criminal proceedings, banking disputes, real estate disputes.

Surekh Kant Baxy

Senior Associate

Vaish Associates Advocates

Surekh Kant Baxy has done his BALLB (H) from Amity Law School, Noida and is currently associated with Dispute-Resolution Team of Vaish Associates Advocates. He has been practicing before the Supreme Court, Delhi High Court, various District Courts in Delhi and tribunals including the National Company Law Tribunal, Debts Recovery Tribunal, National Green Tribunal, Consumer Forums including arbitration proceedings on a variety of matters involving contractual and commercial disputes.



Thought
LEADERS



Ankit Tripathi

Associate
Vaish Associates Advocates

Robin Singh Rathore

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